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MIGHT AND RIGHT;

BY

A RHODE ISLANDER.

"None can love Freedom heartily, but good men; the rest love not Freedom, but *license*, which *never hath more scope, or more indulgence*, than under TYRANTS." - - - - - - - - MILTON.

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TO

THOMAS WILSON DORR,

The TRUE and TRIED PATRIOT, the fearless DEFENDER OF HUMAN RIGHTS, this work is respectfully inscribed by the

THE AUTHOR.

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PREFACE.

Not as an advocate of the Free Suffrage Party, as such, do I present myself before the public; for between them and me, there are some radical points of difference in opinion and in principle, which would not permit me to do so. But I stand forth, as an Expositor of truth, and, in that character, as the vindicator of men, who, acting under a strong sense of duty and of right, have yet suffered wrongs, which, if we rightly consider their character, and the circumstances in which they were placed, put to shame the tyranny of the most despotic government, and the oppression of the darkest times. I know that a prejudice, wide as the dominion of wealth, strong and deep as his iron coffers, and cold as the coin that clanks within them, exists against this people; and, also, that, in disapprobation of certain points of their course, some of the higher and purer spirits have turned aside; and, moreover, that many who avow them-

selves the Friends of Liberty, have even joined hands with the Oppressor; yet, nevertheless, I will always sustain their right to be heard, before they are condemned; and if there is one spark of honesty in the land, one single ray of real freedom, I fear not the result.

There are those, I am well aware, who will meet me, even here, on the very threshold of my Enterprise, with the assertion that the Free Suffrage Party acted wrong — some making one objection to their course, others, another. To such I will say, must we wait till down-trodden and crushed Humanity is *perfect*, before we go forth to labor in its behalf? Must the violated and prostrate slave become a model of all that is lovely and great in man, before we extend to him a helping hand, or breathe into his wounded bosom a word of pity, or of hope? Then there would be no friends of liberty — no advocates of Human Rights, anywhere. The hand that is stretched forth to help the persecuted, would be paralyzed in the very act — the generous bosom of Sympathy would learn to throb according to the dictates of artificial rules, and the great heart of Philanthropy, itself, would become calloused in complete selfishness. It is not incumbent upon me, then, before I labor in behalf of the men, to prove — what was never

proved of any great body — that they were, collectively and individually, all good men and true; or that they, even, always acted from right principles, or with right feelings. It merely rests upon me to show that, while they occupied the same position with the Heroes of '76, they have been branded by every degrading epithet, and persecuted, and slandered, to that degree which Human Nature, when it knows itself — nay, when it begins to have the faintest suspicion of its power — cannot, and will not, and should not, long endure. It is true the dominant Party have spoken by the mouth of all their oracles, and called the Rhode Island Patriots, rebels; while the people in the neighboring States, being in many, if not in most cases, content to act the part of echoes, have, for months, risen in the morning, quaffed their coffee, read the papers, dined, supped, and gone to bed again, to dream, very probably, how *free* they are; they have done all this, in altogether comfortable ignorance of what their neighbors in this ancient colony of "The Plantations," were doing and suffering. In simplest phrase, then, I have but to show that the men I represent are *injured* men; and the sympathy of their fellow-countrymen will, I doubt not, be enlisted in their favor; for the

People have hearts, though Politicians, and Legislators, may not have.

Believing in the unity of Human Rights — the unity of Freedom — we can see that the injury of any member, is the injury of the whole body, and wrong towards any part is wrong towards the whole. It becomes, then, the bounden DUTY of him who labors in the cause of man, to neglect no sufferers about him who wear the human form, even though their creeds, both political and moral, may differ from his own. And to all others, who have no conscience to bear upon the question, it should become a matter of *policy* — of downright *selfishness*. Let them look to it, when Human Rights are trodden under foot, that their own are not injured, or even crushed amid the common wreck.

I will, then, place the Free Suffrage Party of Rhode Island, on the same platform with the canonised Fathers of the Revolution; for there, only, can they occupy their true position — there, only, can they be seen in their true light — there, only, can they hope to receive justice. Nor will they *all* stand like dwarfs in the presence of those great Shades; but as true sons, and rightful heirs of the noblest legacy that man ever bequeathed to man. I set before you their history; and, in the name of

insulted Truth, and violated Justice, demand A CANDID HEARING. They ask for nothing more. And shall this demand be in vain? Speak, good men and true, if there be any in Rhode Island who dare to do so! In Rhode Island, where Honesty is starved, and only the miserable panders of Place and Power — the poor excrescences of a time-worn Aristocracy — can show a well-fed front. Speak, old Massachusetts, our elder-brother-land! Send us a God-speed, that shall echo from your northern battlements to the hallowed Rock of Plymouth! Give us one word of good cheer, Connecticut, our comely and right-minded sister! Show us that a Heart is throbbing beneath that sober girdle — ay, and a Soul, too, ready to kindle at the tale of wrong! The granite cliffs of New Hampshire never refused an echo when the oppressed cried for help! They will speak for us. And even Green-mantled Vermont will blush in shame, that she beheld our sufferings unmoved. Her mountain-heart will beat again, true to herself, and the Free Thought that surrounds her like a native element; and she will more than make amends for her former coldness. Maine will send us a cheer on the free billows that chafe her coasts; and the eloquence of her orators, and the song of her noblest poet, will be an — *nealed* in our behalf. New York will

send our call abroad, with the high authority of the Empire State, and whisper it to the gentle sister she embraces; and even the Land of Penn will be "moved in the spirit," to hear, and to help us. Ohio will catch our Appeal from the banks of her own beautiful River, and bear it westward, until, from the children of the distant prairies, shall come a widely-echoing response; and no free Wind shall return to us with our call unanswered.

MIGHT AND RIGHT.

MIGHT AND RIGHT.

INTRODUCTORY CHAPTER.

It will at once be seen by the style of the following Narrative of events, during the momentous season, when the friends of Liberty were struggling for their own, and the people's rights in Rhode Island — that the Work has been penned by another hand than was expected. Ill health and domestic engagements have combined to prevent that person from performing the task ; but, in her opinion, the public will not lose by the exchange. The person who writes this Work, brings a warm heart, and powerful intellect into the field, and will, doubtless, do justice to the subject. She has, however, with much courtesy, delegated to *another* the office of delineating the character of Society in Rhode Island, prior to, and at the time of, the great political contest she is commemorating.

The writer of this Introduction has been long aware that people abroad, labor under the grossest mistake with respect to those who are the characters that compose the principal part and make the principal figure among the Aristocracy of Rhode Island ; who, it is known, are the sworn foes to Free Suffrage ; and, indeed, to liberty in every form, and every where. People of other States, even while they despise the pride of *descent*, which they suppose has impelled them to grasp all power, and trample upon the rights of unendowed fellow-citizens, have yet

felt a degree of commisseration, from the supposed hardship of depriving the families of the first settlers of honors and emoluments they and their families had been always accustomed to, and admitting a set of interlopers (denominated "the rabble, the lower orders, the tag rag, &c. of Society,) to come in and share their inheritance — who had not, like their ancestors, borne the burden and heat of the day. Now persons who understand the matter in this light, may hoard their sympathies for another occasion. There is not a jot or tittle of truth in the supposition : the families of the first settlers, the original owners of the soil, (honored be their names) are, for the most part, a different set of people ; and, with a few disgraceful exceptions, are uniformly favorable to the freedom of the Elective Franchise. They are Democrats of the old school, intelligent, liberal-minded men, who, estimating the blessings of Liberty and Independence, are willing all should enjoy them. With them originated the first objections to the laws of primogeniture ; and, as will be shown here, were among the number of those, who have at various times made efforts to obtain an enlargement of the rights of voters — efforts that were uniformly scouted by the General Assembly of the State of Rhode Island.

But who, then, it will be asked, are the great men who rule that great State ? Who are the Aristocracy that lord it over the people ? Who affect to despise the laboring part of the population (except when they are soliciting their votes ?) Who are they that talk "of the danger of putting power in the hands of the *common people.*" Why, for the most part, persons who a few short years since, ranked far below that order themselves : and now to their History.

In the changes to which all things are subject in this changing world, there has been a great change in the Society of Rhode Island. Party spirit has

effected much ; for let a man be ever so despicable in himself, if he would only lend himself to the views of those, who were determined by every means, either honest or dishonest, to acquire and maintain supreme power in the State, his fortune was at once made. And again the facilities for obtaining the benefit of the Insolvent Act, have been the cause of an inundation of artful and dishonest men from other States, whose example has had a most deleterious effect upon the Society of Rhode Island — for although many came without any apparent means of support, yet by some craft unknown to the former staid and sober inhabitants, they contrived to live in a style and fashion quite new, and seduce others into habits of extravagance and profusion, that soon made a wreck of many a fair estate ; and often transferred those very estates into the hands of him, who though he had run the same excess of riot, yet having nothing, could lose nothing. Sometimes this has been done in later days, through the witchcraft of Banks, which readily transforms rags into gold, for in their palmy days, these were next to the General Assembly — Omnipotent in Rhode Island.

An early contest in Rhode Island, whose effects have been felt to the present hour, seemed at once to define the position of parties. We allude to that between the old school Federalists and Jeffersonian Democrats, which was carried on with a zeal and fierceness, never perhaps equalled, certainly not excelled in any of the States. There was, as in the Suffrage contest, a proscription and persecution from the Federal side of the question, utterly at war with all republican notions, as well as christian feeling.

To give a history of this warfare, in the City of Providence alone, would more than fill this volume, and exhibit such examples of "man's inhumanity to man," as can only be surpassed by the crusade against the Suffrage Party in 1842 and 43. Who that has

read the "Annals of the town of Providence," lately published by one of the Judges of the present justly styled *Supreme* Court of Rhode Island, would imagine such violence of persecution could have been exhibited, such party spite, such malign feeling, such riots, such quarrels, such backbitings and contentions, in a City for the last forty years at least, which he describes — going on as quiet as a Quaker meeting. To begin with the Crusade against Gov. Arthur Fenner, who was, tell it not in Gath, father of the present Algerine Governor of this State. He was the Democratic Governor and a kind of head of the Democratic party throughout the State ; at least they adopted him as such, although their party could boast of many men of superior pretensions in some respects, yet his age, his station, his known patriotism, which was never doubted, his shrewdness, and above all, the deep insight with which he penetrated the views and plots of the opposite party, made him a universal favorite with his own.

He was besides of a very jocose, social and convivial turn, and exceedingly hospitable, entertaining friends and foes, without distinction, at his well spread board. This last virtue was made the instrument to injure him, by many of his unscrupulous guests ; and careless expressions, uttered during the hours of social hilarity, were artfully seized on to effect, if possible, his downfall. One of these relating to an unknown stranger, who had recently committed suicide in one of the public highways, was reported in such an aggravated manner as to occasion a lawsuit, and such a commotion as shook the whole State to its centre. It is inconceivable what a tumult the Federal Party contrived to make out of it ; and as Gov. Fenner was then a candidate for re-election, they availed themselves of that privilege to abuse him beyond any thing we have ever known of any one individual. The almost expiring hopes of a

famishing party, hungry for office, received such an impulse that they rushed from town to town, and village to village, from shop to shop, and house to house, and daily collected in little groups in the streets and public places, to report progress, and tell the latest news. The Federal newspapers were filled every week, with fresh scandals, and further enormities, until one must have believed, if he credited them, that all the sins committed since the first settlement of the country, rested on this one man. Meanwhile the prosecution went on. It was an action of slander against the Chief Magistrate, for saying that John Dorrance, (formerly Judge) had sold the dead body of the suicide to a Surgeon, for a beaver hat ; and although they could make nothing out of the case, and the defendant was acquitted, yet did not the fire of the assailing party slacken in the least. From Gov. F. they went to his friends ; and his intimates and political associates were attacked with a degree of violence next in degree, to that with which they attacked the Governor. Fortune here seemed to favor them. It is seldom a man's friends are all honest ; and some curious developments with regard to the affairs of the Gloucester Bank, where several of these were Directors, enabled them to open a new battery ; and oh, what a God-send the failure of that Bank was to the Algerines of that day ! Most of the Directors of that Bank were Democrats, in like manner as all those of the Agricultural Bank are Algerines now. How it was that the General Assembly publicly sifted them, and sent them to Jail, and now bear the downfall of this with such christian forbearance, we cannot tell ; since, we opine, that the block-heads who managed the former concern were as much inferior in villainy to some in the late affair, as possible, their crime seemed to be in permitting themselves to be overreached by an artful financier, who had the adroitness to persuade

them — that he would by one bold stroke, make the fortune of the Bank. However, they had no right to embark the property of others, in such a gambling speculation, and were justly punished, their own party giving them up without a murmur. Still the friends of Gov. Arthur Fenner stuck close, and fought manfully in his behalf, and he was again and again re-elected. Nor did the fire of the Adversary slacken in the least; every meeting of the Democratic Party was sure to be insulted in some way or other; and to such a pitch of exasperation did the Federal leaders succeed in raising their party, that private insults on account of difference in politics, succeeded public ones. The military companies in the town of Providence, were at that time commanded by leaders of different sides, and to array them in a hostile attitude towards each other seemed quite a desideratum to the Federal Party. In this they succeeded, and on several occasions of public turn-out, a crowd was collected on the Great Bridge, and in other public places, where they were expected to meet, to see the fun; for, as they could not harmonize to go in one procession, it was expected, whenever they met, there would be a contest. A very handsome and spirited party of Light-horse was commanded by Col. Henry Smith, a staunch Democrat, and a man who feared nobody, and it was supposed that rather than turn out for a foot company he would force his way pell mell through them, as he easily might have done, having the advantage of being mounted: however they reckoned without their host. Col. Smith had no idea of sacrificing the blood of his fellow-citizens from false notions of honor; and upon meeting the foot company who had made their boast of compelling him to turn out, he very quietly wheeled and gave them the middle of the Bridge. Great cheering from the Federal mob succeeded this exploit; but a few days after, Col. Smith was riding over, and

chanced to meet the officer whose discourteous manners had occasioned such uproar, when he suddenly leaped from his horse, and with herculean arm seized the little Bragadocio by the waistband, and shook him over the side of the Bridge, threatening to let him drop, unless he solemnly promised never to insult him again. This was final, and from that period, the rival companies passed each other with courtesy. But the persecution and vituperation of the Federal Party still continued. One sample after they became elated by temporary success, may suffice. There was a naturalized citizen, who had resided several years in the town, ordered to quit it with his family, in three days, for the sole offence of talking his sentiments publicly in the streets; his manner, like that of most of his nation, being somewhat loud and boisterous; (he was an Englishman by birth) but the law required that a man should be a pauper, or liable to become such, before such a command could be enforced; and this in his case, was far from being so. He was then driving a profitable business, and cleared at least five dollars per day, above all expenses. The attorneys consulted, advised him not to go, and clearly demonstrated that they had no law for such a proceeding. He remained, and three days after, in attempting to pass the Bridge, was seized by order of the (Federal) Council, stripped, and publicly whipped on the Bridge. This outrage, was one of the boldest, and most daring experiments of that party, and justly drew down public indignation, not only in Rhode Island, but in the neighboring States, and nothing could have restrained the friends of this man from avenging his cause, but that regard to quiet and order which has ever distinguished the Democratic Party of Rhode Island. In allusion to the constant assertion that they were the rabble, it will be proper here to remark, that though the majority, then, as now, were mechanics and laboring

people, they were in general not only better bred, but better born, than their adversaries, who, many of them came into the State, a few years before, not only needy adventurers, but of doubtful character. They were, mostly, the sons of persons, who, like themselves, had lived upon the credulity of mankind, persons, who, even now, were over head and ears in debt, completely bankrupt, though living in a style that the poor mechanics to whom they were indebted, never attempted. One family that almost governed the State at that time, originally came into the town as paupers, supported by the town of N——, on whose books may still be seen the appropriations made for their support, and the schooling of their children — children doomed in a few short years to dictate to the people of the town, and to sneer at "*the poverty and ignorance of the lower orders.*" Several of these Aristocrats had made their advent as Stable boys, not a few originally as Pedlars; and we hold in our hand the Indentures of one of their great guns, who was bound out "to serve in a gentleman's kitchen," and who was afterwards the oppressor of that gentleman's descendants, for *demanding the rights of the common people.* Reader, we would be the last to dispute the claims to respect, of the poor man, who has by honest industry raised himself into notice; but when a man has arisen from the very lowest dregs in society, and by unholy stratagems has become possessed of a little wealth, and begins to swagger and look big, and talk about the "lower orders," and "the rabble," and his "*operatives,*" many of whom are gifted with a genius and capacity which none of his stupid progeny could ever boast of — when they begin to tell of the danger of putting power into the hands of the *common* people, it is time they should be exposed. They deserve unqualified contempt. No wonder they view with apprehensions which they cannot disguise, the dawn-

ing of that spirit of independence, which, were it successful, would bring them back to the rank from which they sprang : but we have wandered from our history.

We have stated that Gov. Arthur Fenner was again and again re-elected, but we did not say that though he lived several years after, those who knew him best, affirmed that the political persecution he went through shortened his days, by undermining a constitution, which had previous to that promised a long life ; that there was a visible alteration, and accelerated progress towards the downhill of life, from the period of his contention with John Dorrance ; and that the continued abuse, which that affair first engendered, was hastening a catastrophe which eventually terminated his existence. Be that as it may, he died in the year 1805 ; and James, " his son, reigned in his stead." From the time of his death the hopes of the Democratic Party seemed to centre in him as a leader. He was thought to possess all his father's shrewdness, while education, and a different set of associates had given a higher moral tone of character. This was what the Democratic Party needed, but they needed also, a man of firm, unwavering republican principles, a man humble in mind, simgle in his habits of life, and of a disposition to accommodate himself to the society of the middling class, or of plain and unlettered men ; and there were those who soon discovered that the new leader was not possessed of all these attributes, nor was it long before this began to manifest itself; and a split in the Democratic ranks, from which the party never recovered itself, was the consequence. Henry Smith, a prominent character, already mentioned, was one of the leaders of this secession, and associated with him was Seth Wheaton, the father of our now Minister at the Court of Prussia, who himself joined in the disaffection, and with his father, with several others, published a Manifesto declaring

they could go no farther with his Excellency ; and that they were convinced *Republicanism* in Rhode Island could only be maintained, by the prostration of his Excellency.

PROTEST.

"*To the Republican Citizens of the State of Rhode Island :* — Having been informed that in different parts of the State reports were circulated with an intention to induce the belief that we have become reconciled to the re-election of Gov. Fenner, and believing it possible that such misrepresentations of the truth may bear upon the approaching election in a manner favorable to him — We hereby declare that we remain firm and determined in opposition, convinced that *Republicanism* can only be revived in this STATE by the *prostration* of HIS EXCELLENCY.

Your friends and fellow citizens,

HENRY SMITH,
SETH WHEATON,
JAMES PETTY,
JNO. T. SPAULDING,
WM. PECKHAM,
CHRISTOPHER ELLERY,
SAMUEL THURBER,
THOMAS SESSIONS,
HENRY WHEATON.

Providence, April 11*th*, 1811.

And here let us pause to do justice to the characters of some of the persons engaged in this contest. The character of the Hon. Henry Wheaton is now before the world, and most persons in this and other countries, know something of him. He needs no eulogy at our hands, and could suffer no detriment from our censure. Of his father, Seth Wheaton, Esq., who has long since passed to that bourne from whence no traveller returns, we would say, that

"take him for all in all, we ne'er shall look upon his like again." He had all the shrewdness of Gov. A. Fenner, united with keen wit and pungent sarcasm, that while it never fails to be admired, fails not also to create many enemies. He was a man of uncompromising integrity, and unwavering Democratic principle. It has been urged against him, that his prejudices were bitter: but granted, they were always founded upon an honest conviction that he was in the right; and few persons were capable of such deep insight into human character. We have a distinct recollection (in a long conversation where we were present) of some prophecies he made respecting the future course of some of the political characters of the day; and, had he possessed the spirit of divination, he could not more accurately have given their future history. In no one instance, has it failed to happen as he foretold. It was his opinion "there would come a day, when A TEST QUESTION would come up in Rhode Island, and *then there would be a falling off of all that was rotten in the State of Denmark.*" Peace to his ashes, his honest heart lived not to be wrung with the knowledge that many who were near and dear to him, then too young to judge of their future characters, would be among the number. As to Col. Henry Smith, the frank, and gallant, and straight forward course he followed, forbade the idea of dark design or plotting in anything he did. His heart was so open, that every child could read it, and his hand so liberal, that none feared to ask any good office from it. Of the other signers, we have little recollection. We do not pretend to judge of the wisdom of a measure, which at that time, carried dismay into the Democratic ranks, and encouraged their opponents to exult over "a City divided against itself." It made a final split in the Democratic Party. The greater part did not go with them; for so firmly had the Fenner family entrenched themselves, as the

leaders of the party, that the attempt to oust them, backed by *no proofs* of their delinquency, fell to the ground. Yet it sowed the seeds of disunion and disaffection; it created suspicions, and emboldened that violent and unprincipled Faction, originally termed Federalists, then Federal Republicans, then something else, and, finally, down to Whigs, to manœuvre with prospect of success in Rhode Island: and last of all, to concentrate power in their own hands, in this unfortunate State, under their most appropriate name of Algerines.

During the last war with Great Britain, party spirit ran high, since the Federalists generally exposed themselves at that time as the ancient Tories. If the true histories of their treasonable manœuvres at that period could be given, it would fill many volumes. It was, however, a period when the principles and practice of the Democratic party shone brighter than they ever have since, in Rhode Island, and might be called their golden age. Their duties, however, were fatiguing and burthensome, particularly when an *English squadron was in the neighborhood.* It was no easy duty to walk the shore all night long of a wintry night, to intercept correspondence with the enemy, or to venture out through the cold waters, to prevent boat loads of flour and other provisions sent by avaricious and disaffected men, from going to their relief. Verily, as Shakspeare says, "I could a tale unfold," but forbear: may the story remain in oblivion, or be sunk in the deep waters, with a certain package of papers, once thrown overboard in Narragansett Bay during that period, by one of our Benedict Arnolds!!

It would occupy too much space to describe the various ups and downs of the two parties in this State since that period, or of the claims of the various Governors inflicted upon unhappy Rhode Island since that period. Suffice it to say, it has not been a quiet

despotism ; for some act of injustice or oppression has always agitated the State, and provoked hostilities from some quarter or another. The mob during the reign of Gov. Arnold, (N. B. We call it *reign* of Governors under the Kingly Charter,) of which Judge Staples makes mention *in the quiet City of Providence*, was no exception to this. For the collection of citizens, who on that occasion took justice into their own hands, had been long scandalised and outraged by a nuisance, from which no law seemed strong enough to protect them ; from which they had appealed again and again to the authorities of the town, and used every effort of moral suasion to reform. The two neighborhoods of Olney's Lane and Snowtown, where several respectable families resided, (and many more owned property there, who dared not make it a place of residence,) contained a thicket of houses, which were unfortunately tenanted by some of the vilest and lowest offenders against the laws of decency, and the laws of the land. They were places where no person was safe to pass after dark, perfect Pandemoniums, where persons of all colors congregated together, to carry on their guilty revels, to conceal stolen goods, and to concert every scheme of iniquity of which the human mind can conceive. There can be no doubt that murders were sometimes perpetrated secretly in those abodes of guilt ; as persons were sometimes missing there, of whom no account was ever after received ; not to mention those beat to death in drunken fights — of young women found with broken bones, and expiring from the effects of brutal treatment.* No sleep in the neighborhood of those places could be had the long night through, unbroken by the screams of murder, or cries of distress of some kind, mixed with the

* Thomas Loyd Halsey, whose residence was on Prospect street, and but a short distance from the Lane, said, "he had no doubt more murders had been committed in that one lane, than in all the State besides, since its first settlement."

sound of the fiddle, and the drunken shouts of the depraved multitude.

To complain had been found inefficient to remedy the evil; and indeed, at the last, people had become somewhat afraid, lest the spirit of revenge should either fire their buildings or assassinate themselves. In this dilemma, after many years of forbearance, the people aggrieved, and it is believed respectable people, took up arms of clubs and brick-bats, and demolished the abodes of infamy and wretchedness. The occasion was a favorable one; it was the murder of a person sent to demand a Swedish sailor, who was retained in one of the houses in the Lane. The firing of that gun was a tocsin that called all hands to battle, and of all those receptacles of iniquity, but one on the close of that evening was left standing; and that having a frame that resisted axes and fire-hooks, alone remained standing, a dismantled monument of the judgments of that night. Placards were fixed up, saying they would take Snowtown the next night, which they did, though the Governor called out a military force to protect the den of iniquity; and firing into the assailants, killed seven men, several of whom were persons whom curiosity brought to the scene of assault. It was urged in his behalf, that he had "twice commanded the people to disperse, and once fired blank cartridges" among them. Though no abettor or admirer of mobs, we must say, few ever did more good in shorter time; and the death of those young men caused much stir at the time. Several had left families, and were deeply deplored. But, accustomed as the people of the State had become to despotic power, it passed off without any action. There was no party bias in the case. The resistants were supposed to be about equally of all parties.

For many years there has been a spirit of resistance fostering in the people of Rhode Island, against the encroachments of arbitrary power. The *health-*

ful action of the law, as its friends termed it, was too often found "a word and a blow, and the blow came first." It has often been found a fetter that has bound the *poor* debtor down to the earth, while it has let off the rich bankrupt unscathed. In the late transactions, it will be found, that while it stood ready to protect violence and wickedness, it left the honest and unprotected to be insulted and pillaged by a merciless soldiery — whom avarice, and party spite, and demoniac passion, led on to excesses that have disgraced the State in the eyes of lookers on, and will long be remembered, after the heads that planned, and the hands that have executed them, shall be mouldering under the sod. W.

CHAPTER II.

THE CHARTER.

In the very onset it may be well to examine the character and claims of this celebrated Instrument, which, until about two years ago, was acknowledged as the source of all Order, Government, and Law, in this falsely-called Free State of Rhode Island. Not by the majority of the people, indeed, was it so acknowledged ; for these, for more than fifty years, had looked upon it as a dead body ; and they had been, for nearly that length of time, continually entreating the Government to give it the rites of sepulture, and a decent burial. But it was the self-constituted Lords of the Assembly of King Charles, who saw so many virtues in the parchment of that dissolute monarch. It held for them, each and all, Letters-patent of Nobility. By it they assumed power to make such laws as best pleased themselves — to alter those laws, or annul them, *as* they would, and *when* they would ; and that without any regard to the interests of others — nay, it might be in direct

violation of those interests, though a majority of three-fifths of the entire population might be the sufferers. The majority, indeed, came to be regarded as plebeians by birth, and by habit, possessing no acknowledged rights, which could, by any extant possibility, be opposed to those of the self-constituted Government, which was, in defiance of all significance in language, continually affirmed to be the freest in the world. The People had, it is true, petitioned for a redress of grievances, for about fifty years ; and during that time, had made some little stir about Democracy, and the Rights of the Majority ; but they were easily frowned down, and, to a considerable degree, persuaded that there was no other way but tacit, if not real submission. The Assembly saw that all this was very good. Therefore they determined never to change it. And all their minions cried, "Amen." They were living expositions of the trite fact, that arbitrary power, once obtained, though it be never so unjustly, is not willingly surrendered, unless, indeed, there be a true human heart, and a paramount CONSCIENCE, in the holder thereof. Thus far premising, I proceed to speak more particularly of the Instrument whose name is our present caption.

It may be interesting to the curious in such matters, (and who is not curious when any point of the history of his native State is involved in the question ?) to know under what circumstances the Charter was obtained. It appears that originally the town of Providence, then comprising all of what is now Providence County, except Cumberland, constituted a distinct jurisdiction, as did also the Island of Rhode Island, and likewise Warwick. These several territorial divisions were first united and brought within one jurisdiction, by the Charter of 1643 ; which was obtained through the assistance of Sir Henry Vane. This Charter was very short, and

very loose in its terms. It shadowed forth a general power to establish such form of government as should obtain "the voluntary consent of all." There was so much difficulty experienced in obtaining this "voluntary consent" in favor of consolidating the different districts under one government, that it was not until the year 1647 that a general government was agreed upon, and established. The General Assembly was convened in that year, for the first time, and the place of convention was the town of Portsmouth.

In the same year were enacted the early Laws of Rhode Island. These were generally of an enlightened and liberal character, and were adopted with the following Preamble.

"And now, sith our Charter gives us power to govern ourselves, and such others as come amongst us, by such a form of civil government, as, by the voluntary consent, &c., shall be found most suitable to our estate and condition, it is agreed by this present Assembly, thus incorporated, that the form of Government established in Providence Plantations, is DEMOCRATICAL — that is to say *a government held by the free and voluntary consent of all*, or *the* GREATER part of all, the free inhabitants."

One of the first provisions had this clause: "No man in this colony shall be taken, or imprisoned, or be disseized of his lands, or liberty, or be exile, or any otherwise molested, but by THE LAWFUL JUDGMENT OF HIS PEERS." What an evident retrograde has been going on since that time! The unenfranchised man of Rhode Island could never be tried by his peers; because neither himself, nor his peers, were eligible to act as jurors; and, in later times, it has been no infrequent thing to see a man molested, injured in his property and character, and deprived of his liberty, without any "lawful judgment," or even any legal pretence. It cannot be doubted that

the early Fathers of Rhode Island never perceived such a tendency in their government, nor intended to produce such a result.

The government under the Charter of 1643 was dissolved in 1651. Another Charter was obtained in that year by Coddington, by which he was constituted Governor, and the Island of Rhode Island and Conanicut was severed from the connection, which they before held with Providence and Warwick. Though Coddington's Charter soon went out of force, yet the re-union of the severed districts was not so easily effected, and the Representatives from Providence and Warwick met at Providence, while another Assembly held their sessions on the Island. When a re-union was procured, it appeared obvious good policy to take some measures in order to secure and perpetuate it; and, mainly for this purpose, was obtained the Charter of Charles the II., which, down to a very late period, remained the nominal Constitution of the State.

A Court of Commissioners met at Warwick, Oct. 18, 1660, and passed an Act acknowledging Charles as their liege King, also a vote for solemnizing his proclamation, in which it was officially provided that, "on the next Wednesday, which will be the 24th of this instant month, each town in this colony shall, then, at the head of the company of each train-band, solemnize the proclamation of the Royal Majesty, and that the captain of each town is hereby required and authorised to call the train-band together, to solemnise the said proclamation on the foresaid day, *if the weather do permit*, if not, then it is to be done *on the next fair day;* and that all children and servants shall have their liberty on that day."

By the untiring exertions of Roger Williams and John Clarke, a renewal of the Charter was obtained, and a warrant was issued, dated the 14th day of

November, 1663, requiring the Warden, or deputy Warden of Providence, to call a town meeting at Newport on the 24th of that month, "partly and chiefly to receive the Charter, which is certainly reported to be arrived."

On the day appointed, the Commissioners met; and the box containing the since famous document was produced and opened, in the presence of what the Record describes as "a very great Assembly of the People." And after the Charter, with "his Majesty's royal stamp and broad seal," having been "held up on high, and presented to the perfect view of the People," was "returned into the box, and locked up by the Governor, in order to the safe keeping," it was directed that the most humble thanks of the colony be returned to his Majesty, "for the high, inestimable, yea, incomparable grace and favor."

This Instrument, together with various statutes which were enacted from time to time, for the purpose of explaining and altering the Charter, and supplying its deficiencies, and certain usages, which, from long existence had obtained the force and sanctity of laws, constituted the Government of the State. It has always been in the power of the General Assembly, by their entire control over the right of Suffrage, to remove every existing evil, and silence every just cause of complaint. But this, whatever assertions may now be made to the contrary, they were never disposed to do. Every concession that has been made, has been extorted by fear, not voluntarily surrendered. But let me not anticipate. I return to the Charter of 1663.

By this Royal Instrument it was provided, that "all persons should, freely, and fully, have and enjoy, his and their own judgments, and consciences, in religious concernments;" and the people were pronounced "a body corporate and politic." Charles, also, "by his especial grace, certain knowledge, and

mere motion," granted the power of forming a General Assembly — the original members being appointed by the King, and mentioned in the Charter. This body had power to "elect and constitute offices and officers, to grant commissions, to appoint, order or direct, erect and settle, places and courts of jurisdiction; to alter, revoke, annul or pardon, under their common seal;" to "make, ordain, constitute, or repeal, such laws, statutes, orders, and ordinances, forms and ceremonies of government, and magistracy, as to them shall seem meet, for the good and welfare of said company," provided always, that they be "*agreeable to the laws and statutes of this our realm of England.*" They were also to regulate the election to offices of trust, to prescribe and limit boundaries of towns, etc., and, finally, to "direct, rule, order, and dispose, of all other matters and things."

We see by this, that, unless the General Assembly should transcend their prerogative, so far as to do aught which is not agreeable to the laws and statutes of England, the Charter may not be violated, though humanity and justice, the world over, cry out against them. Though the Charter does not *permit*, it has no power, whatever, to *check* usurpation. It has been, in short, a convenient screen for Despotism and Tyranny to skulk behind, where they have performed deeds which their cowardice would not permit them to do unsheltered.

But the Charter was considered, and was very liberal in its provisions, considering the time and circumstances under which it was given. In it we find permission for the original "Company" to plant grapes, make wine, pursue whale, dubertus, or other great fish, and open mines; only requiring that one-fifth of all "the ore of gold and silver" they might there find, should be yielded, "in lieu, and satisfaction, of all services, duties, fines," and "forfeitures."

And all this might be very well, if there were no PROGRESS. In the early days of the Charter, the people of Rhode Island were engaged mostly in agricultural pursuits, a very large majority of them being freeholders; so the defects of the government, and the required freehold qualification, were not very sensibly felt. There were then few counteracting influences; the commercial and agricultural interests being so closely dependent on each other, as to be, in fact, identical. But the body corporate, like the individual body, cannot be always fed on pap, and held by leading-strings. By a common law of nature it must grow, and strengthen, until material changes take place in its condition and character; so that what was, in early infancy, healthful and necessary, becomes in the mature state not only quite insufficient, but totally unnecessary, and even hurtful.

It will be readily perceived, that great abuses would not so naturally flow from the Charter itself, as from the Assembly. That body claim, and always have exercised, a power that is irresponsible, to all intents and purposes, so far as this country is concerned. I said that irresponsible power is claimed, and exercised. They are also independent, and omnipotent. That they so considered themselves, may be proved from the mouths of their own members. John Howe, of Bristol, at the January session of the Legislature, in 1842, said — "The terms of the Charter are broad and liberal. They give *almost all* power to the General Assembly." And previously it was said by the late Honorable Elisha R. Potter, of South Kingstown, in a speech before the same august body — "Mr. Speaker, the member from—— is very much mistaken, when he supposes that this General Assembly *can* do anything that is unconstitutional! Sir, I conceive that THIS BODY HAS THE SAME POWER OVER THE NON-FREEHOLDERS OF THIS

STATE, THAT THE ALMIGHTY HAS OVER THE UNIVERSE!" And this impious declaration was made in the presence of Republican Rulers — those who profess to claim the prerogative of governing the people, from motives of pure charity, because they are not capable of governing themselves. Is it not sufficient comment on the above, to say, *there is no record to tell us that Mr. Potter was rebuked!* And how should he have been by his coadjutors and fellow tyrants! They liked the doctrine too well to question its truth!

It will be easily seen that the inevitable result of such an organization would be arrogance on the one hand, and servility on the other. A non-freeholder, in the presence of a freeman, was, oftener than otherwise, a poor cringing slave, incapable of uttering his thoughts freely and honestly; and, apparently, almost unconscious of the fact, that one who had *not* $134 invested in land, was just as good a man as one who held possession of that same high qualification and test of manhood. I recollect an instance. Several years ago a non-freeholder attempted to speak in a public meeting. He rose with evident alacrity and interest in the subject under discussion, and began to speak with considerable effect; but, looking round, he perceived that most of his auditors owned a freehold estate. He was cowed down in an instant. Stammering out something about not being used to speak in THE PRESENCE OF FREEMEN, he sat down, covered with confusion. And this is the spirit the Aristocracy of Rhode Island have always sought to foster. They have always, by their public acts, and their private influence, discouraged everything that hinted at the elevation of the laboring classes of people. And why, but the better to secure their own special prerogatives? Why, but for the same reason that suggests the same course of action to Despotism everywhere? Light is unfavorable to Tyranny — Dark-

ness and ignorance are its best adjuncts. There may be liveried servants, heavier place, richer carpets, and drapery with costlier fixtures, in other cities — there may be greater show of wealth in many places; but, I apprehend, that nowhere in this country — perhaps nowhere on the globe — is a poor intruder over the chalked line of the patent "*first* circle," met with a more chilling — I may say a more *killing* iciness, than here, in this same little, big-feeling State of Rhode Island.

And this is the Government we have heard daily lauded, as if it were the very acme of legislative wisdom and clemency! The power being thus consolidated in the hands of the few, the social condition which has grown out of it, is, in a very high degree, restrictive and Aristocratical. A narrow *clique* became the nobility, constituting what is technically called, "SOCIETY;" while thousands of respectable and enlightened citizens, with their families, were thrown into the common mass of the "VULGAR" — any individual of which meeting one of the self-constituted upper-circle, even in the common street, might perceive a turning up of the high-born, and high-bred nose, and a shrinking, as if from contamination: or, at the best, a vacant stare, which intelligibly recognized — *Nobody* — Is this a condition of things which Republicans — which a Free People should allow? Nay, *are* the people — *can* the people be free, in such a State? I think not.

The Charter prescribed no rules, whatever, for the admission of Freemen; and it was not until 1724, that an act of Assembly was passed, by which Electors were required to have a freehold estate of $100; and, by the same act, the oldest son of such a freeholder was admitted to be a freeman, without other qualification. That the General Assembly have power to make the qualification ANY SUM THEY PLEASE, so as to consolidate the government entirely

in the hands of the wealthiest magnates of the land, is proved by the following changes, which have been rung upon this great bell of discord. I have recorded the Act of 1724. In 1736 £200 of real estate was required. In 1746 £400 or £20 per annum, and, finally, in 1762, it was reduced to £40, or $134 of Federal currency. Thus we see that the majority of the people of Rhode Island have been held subject to the sovereign nod of the Assemble, with but one right guarded — no other than the right of conscience, being even acknowledged. Instead of being the free members of a free confederacy, they have been slaves in the fullest sense — which will by and by appear. Their liberties have been left to the mercy of an Instrument, which imposed no limitations on despotic power. Yet this people have been, for more than sixty years, mocked by the assertion that Rhode Island was free! And while their own chains were clanking audibly — not on the limbs, indeed — but, worse — far worse — deep in the heart — deeper in the soul — they have listened to mouthing orators on the Fourth of July, when they conceived they had special right and opportunity to profane the sacred name of Liberty! One would think these Legislators had no honest blood in their hearts; or they would blush at the very syllables in the name of Freedom!

As instances of the assumption of unwarrantable power, by the General Assembly, take the following Acts; which will go far to show at what rate the venerable Charter should be valued, *as a Constitution*. By that Instrument it was provided that the Governor, Deputy Governor, and Assistants were to be elected on every first Wednesday in May, at Newport, by a majority of the voters then and there assembled. The General Assembly saw fit to annul this provision; which they did by passing an Act to that effect, in October, 1664 — in less than one year

after the public proclamation of the Charter. It was provided that all freemen who chose to do so, instead of coming to Newport to vote for general officers on the first Wednesday of May, might vote in town-meetings legally convened, where their proxy votes should be received, thence to be transmitted to the General Assembly.

In August, 1670, all voting at Newport was expressly forbidden, except by members of the General Assembly; and the voters were directed to vote in their respective towns, on the third Wednesday in April.

The Charter provided that the freemen are to be admitted by the General Assembly; but the General Assembly passed an Act in 1666 entirely contrary to that provision; by which it was provided that freemen should be admitted by the freemen of their respective towns, in town-meeting.

Again, the Charter provided that the Governor, Deputy Governor, and Assistants, with the Representatives chosen by the several towns, should meet in General Assembly, without any provision for forming two distinct Houses; yet the General Assembly, by an Act passed in 1696 arranged that the two Houses are to sit separately, except when for some special purpose they are convened in Grand Committee.

Again, an obvious defect in the Charter was remedied by an Act, authorising a Lieutenant Governor, or senior Senator, to discharge the duties of Governor, in case of a vacancy, by non-election, death, or resignation, or by absence or inabilty.

Again, Joseph Wanton having been chosen by the freemen of the State as Governor of Rhode Island, was deposed by the General Assembly, in defiance of Electors, and the whole British Parliament. He protested against the Act, was re-elected — and again deposed, by a body of men, who claimed, and exer-

cised, greater than the power of Majesty. Without at all questioning the wisdom or justice of these provisions, we can see that the Charter interposed no check upon the General Assembly — not even in the first year of its bridal favor. It is in vain to defend such Acts on the ground of right. The power to do right against authority, contained within itself also, in like manner, the power to do wrong. But perhaps by these extensions of prerogative, the Assembly only intended to cover that singularly elastic phrase, which gave them power over "all other matters and things."

But tracing the Records of Legislative Proceedings downwards, we find an Act, which by no possibilty, could be distorted into anything else than gross and palpable outrage of the very principle upon which the State was founded — that principle which Rhode Islanders have always cherished with such fond and jealous love — the right of "freedom in religious concernments." By an Act of the first of March, 1663–4, the rights of Suffrage were more expressly guarded; but probably sometime between the years 1719 and 1730, the shameful clause was added, "Roman Catholics only excepted." The effect was to exclude Roman Catholics from the polls — to cut off their sacred right of S ffrage. And that not only in defiance of usage which had become hallowed by association, with the name, history, and character of Roger Williams — of the spirit of our institutions, and the habits of our people; but in the very teeth of that clause of the Charter which expressly provides, that "No person within the said colony, at any time hereafter, shall be in *any-wise* molested, punished, disquieted, or *called in question*, for any differences of opinion in matters of Religion, who does not actually disturb the public peace."

Again, and that in modern times, has this right been openly violated, in the banishment of the Reve-

rend William Fuller, for the flagrant sin of denouncing rum-selling and rum-drinking — in both of which conditions of being, without doubt, the Authorities were interested. Mr. Fuller was a well educated and regularly ordained minister; and preached to the entire satisfaction of his hearers, at Washington village, until his doctrines came to have too many *home* truths; and he was officially ordered to leave the town. He obeyed peaceably, leaving also the State. He has since supplied for some time the pulpit of the first Presbyterian Church in the city of Utica. In this open war upon the right of conscience — the single right that should be, by the Charter, preserved inviolate, we see a deep and fearful meaning. If a right which is so carefully guarded be thus made the subject of wanton outrage, what is to become of those rights which are secured by no constitutional bonds? Will the power which illegally infringed that, be too generous to touch these? The generosity and the justice of tyrants are found — where the rainbow touches earth. They may seem close at hand. You can almost touch them. You fly to grasp the good they promise. You still pursue. It recedes as you approach. And when you reach the very spot where it glimmered in false brightness, it is *gone*.

CHAPTER III.

GROUNDS OF COMPLAINT.

Before entering on the subject of the present Chapter, I would bespeak the Reader's courteous

attention to a number of facts. Dry details they may be, and wholly devoid of interest in themselves, yet not insignificant to us, and to our labors; for they are the very basis of the whole superstructure we are about to rear. Attention, then, kind Reader, and gentle patience; for the question which is now pending — and the movement which is now going on, is not one of mere local interest — a question where the rights of a Party are held at issue: — it is not whether the people of a few miles of territory, shall be bondmen, or freemen; but it embodies a principle which knows no geographical divisions — no social distinctions — the progress of which no waters can check, and no mountains can arrest — a principle which is yet destined to pervade the wide earth — until the souls of all mankind are aroused as one soul — and every condition of being — Capitalist and Operative, Governor and Governed, Tyrant and Slave — is mingled, and, as it were, melted into one, by the all-subduing, all-engrossing fire of true liberty!

But I proceed to enumerate some of the abuses, of which the Suffrage Party of Rhode Island complain. In the first place, they object to a landed, or other property qualification, as degrading to man, setting, as it does, a given portion of earth above the character of manhood; so that man, instead of having dominion over all the earth, as was at first wisely appointed, is made subject to a small portion of earth, itself. It, moreover, excludes from the right of franchise a large majority of the people, otherwise well qualified, who have the common interests, and do all the duties of good citizens; and yet are excluded from exercising the rights of citizenship. It is often said that the necessary amount of landed property may be acquired by any one. This, I think, is assuming too much; at least, for the present day. The wisest and best of men are

not always *worldly*-wise, even to the small degree necessary to attain and hold $134 in real estate, over and above a comfortable living; and misfortune, not unfrequently, arrests, not only the most prudent foresight, but destroys at a blow, the fruits of long periods of the most successful industry. But let us suppose that a laboring man gathers together the required amount, over and above what is demanded by the immediate necessities of himself and family. To invest this sum in land, is not only exceedingly difficult, but is, in many cases, the most unwise and unprofitable investment that can be made.

A ludicrous, and yet true illustration of this long-vexed question, may be found in the works of Franklin. Speaking in reference to this subject, he says, "Suppose the property-qualification to be twenty dollars. A man going to the polls to deposite his vote, not being found to be worth that sum, his vote is rejected. On turning away, he meets a man who, probably for some interest in the election, gives him a jackass worth the required sum. He then returns to the polls, and finds his vote accepted. Now, in whom does the right of Suffrage exist — in the man, or in the jackass?" And, I may ask, will their mantle of False Republicanism, though garnished with quotations from Jefferson, and all the most glowing patriotic speeches — "THE COMMON WEAL" — "OUR COUNTRY'S GOOD" — and all the minor gems of Fourth-of-July bombast, will that mantle yet a great while hide the *long ears* of such as place the prerogatives of manhood, not merely in brute animals, but in insensible dust — in barren sand and gravel? I think not. The external signs of the species, begin to be discoverable, even now.

It is a singular fact that the Charter Party boldly deny the principle upon which the General Government was originally founded — that of THE SOVEREIGNTY OF THE PEOPLE — which also must include

Free Suffrage; and yet they claim to be Republicans? They bind their fellow men in the bonds of slavery, and then insult them in the desecrated name of Liberty! Will it be thought too strong language to say disfranchised men are enslaved? I turn to the defence of that term, so applied. In looking over the "Proceeding and Debates of the Convention of 1787," which met for the purpose of framing the Constitution of the United States. I find, in an address of Martin Luther, delivered before the Legislature of Maryland, relative to the Proceedings of the Convention, the following passage, which speaks so directly to the point, I cannot refrain from a long quotation, There we find that the principles of man's natural right to, and fitness for self-government, insisted upon as the very Palladium of Rights, and Corner Stone of Republican Liberty. And should not we faithfully treasure up the rich and noble thoughts that fell from the lips of those good old Patriots, like fruits fully ripe, not merely to nourish the then-present generation; but, planted in the soul, to bring forth new fruit, until reproducing themselves continually, they should rise in prouder strength — in loftier beauty — the glory of all future ages! And live they will — and grow — until their branches cover all the earth — the little breath of a purse-proud Aristocracy puffing against them, to the contrary, notwithstanding.

Mr. Luther, says — "Those who advocated the equality of Suffrage, took the matter up on the original principles of government; they urged that all men, considered in a state of nature, before any government is formed, are equally free and independent, no one having any right or authority to exercise power over another, and this *without any regard to difference in personal strength, in understanding, or* WEALTH. That, when such individuals enter into government, they have each a right to an equal vote

in every matter which relates to its first formation, and afterwards have each a right to an equal vote in every matter which relates to their government. That, if it could be done conveniently, they have each a right to exercise it in person. Where it cannot be done in person, but for convenience representatives are appointed, to act for them, *every person has an equal vote in choosing that representative;* who is entrusted to do for the whole, that which the whole, if they could assemble, might do in person, and in the transaction of which, *each would have an equal voice.* That if we were to admit, because a man is more wise, more strong, or more WEALTHY, he should be entitled to more votes than another, it would be inconsistent with the freedom and liberty of that other, and would reduce him to SLAVERY. Suppose, for instance, ten individuals in a state of nature, about to enter into government, nine of whom are equally wise, equally strong, and equally wealthy, the tenth ten times as wise, ten times as strong, or ten times as rich; if, for this reason, he is to have ten votes for each vote of either of the others, the nine might as well have no vote at all; since, though the whole nine might assent to a measure, yet the vote of the tenth would countervail and set aside all their votes. If this tenth approved of what they wished to adopt, it would be well; but if he disapproved he could prevent it; and in the same manner he could carry into execution any measure he wished, contrary to the opinion of all the other, he having ten votes, and the other, altogether, but nine. It is evident, that, on these principles, the nine would have no will or discretion of their own, but must be totally dependent on the will and discretion of the tenth; to him they would be as absolutely slaves, as any negro is to his master. If he did not attempt to carry into execution any measure injurious to the other nine, it could only be said, they had a good

master; they would not be the less slaves, because they would be totally dependent on the will of another, and not on their own will. They might not feel their claims, but they would, notwithstanding, weal them; and *whenever their master pleased*, he might draw them so tight as to gall them to the bone. Hence it was urged, THE INEQALITY OF REPRESENTATION, or giving to one man more votes than another, on account of his wealth, &c., was ALTOGETHER INCONSISTENT WITH THE PRINCIPLES OF LIBERTY; and in the same proportion as it should be adopted, in favor of one or more, in that proportion are the others enslaved."

These, then, are the opinions of such men as George Washington, James Wilson, James Madison, Benjamin Franklin and their cotemporary patriots; and these opinions, and such as these, they considered, and we consider, the war of the Revolution ESTABLISHED. The instance adduced by Mr. Luther, of the votes of the nine being countervailed by the tenth, is precisely analogous to the state of things here. Three-fifths of the people, in violation of their rights as citizens of the United States — in violation of their rights as men, are held in complete slavery by the remaining two-fifths; and their history will show that they have, by no means, always had a generous and lenient master.

Secondly — They object to the inequality of Representation, and consequently TAXATION WITHOUT REPRESENTATION. This was considered one of the strongest grounds of complaint, upon which was based the war of the Revolution. And is not the objection valid now, as it was then? Nay, is not every species of Wrong and Oppression, infinitely more daring — infinitely more degrading now, than it was then; because it conflicts directly with the spirit of the institutions, which all the Authorities profess to venerate — and with the writings and sen-

timents of men, whom they pretend to hallow as almost divine!

By a provision of the Charter, Newport was to have six representatives; Providence, Portsmouth, and Warwick, four each; and each other town of the State, two. This rule, by the changes which gradually took place in the population, came to be very unequal. Providence, with a white population of 21,870, had two votes less than Newport, with only 7,909; and Warwick, with her 6,595 inhabitants, and Portsmoth with her 1,692, sent each double the number of representatives of Smithfield, with a population of 9,403; and so on through the catalogue. By this it will be seen that a very large number of the people were left quite unrepresented, although they paid all the taxes required of them, and did otherwise the duties of good citizens. Is it not wrong that the non-freeholders should be obliged to pay all taxes imposed for municipal purposes, while they were denied a voice in the election of municipal officers? And also that they were not permitted to take part in the election of Representatives to the General Assembly, while they were obliged to pay all taxes imposed by the Legislature, being bound to serve in the Militia, or Fire Companies, and to equip themselves, together with their sons and apprentices over eighteen years of age, for that purpose. Furthermore, that they can have no voice in the election of Members of Congress, nor in the choice of the Electors of the President and Vice President of the United States, though they are free citizens of the United States, paying all taxes imposed by Congress, and being liable to be drafted from the Militia of the State for the defence of the country. How is their condition otherwise than that of serfs and vassals, the world over? Circumstances may have given to their intellect a somewhat more generous expansion; but in as far as he can have, or ex-

ercise, any power over his own rights, the non-freeholder of Rhode Island is as much enslaved, as if he wore a real chain, fastened upon neck and limb with an iron padlock.

But to return to the subject of Representation. A Republican Government, or Representative Democracy, has been defined "*a government resulting from the will of a majority,* ASCERTAINED BY A JUST AND EQUAL REPRESENTATION." Let us measure the claims of Rhode Island to this title. We shall see whether it deserves not rather the title of OLIGARCHY, or "A RULE OF THE FEW."

Providence County, with a population of 58,077, had only 22 Representatives, while all the other Counties, with an aggregate of only 50,760, had 50 Representatives, or a majority of 14. It is reckoned that there are $32,610,000 of taxable property in the State. Of this, $17,970,000 belongs to Providence County, making an excess of $3,300,000 of taxable property, while the Representatives are only 22 to 72. In Providence County the average of taxable property to one Representative, was $816,818, while in other Counties it was only $293,400. Thus one dollar gave almost three times the power in the Southern Counties, that it gave in Providence County; and almost five times the power in Newport that it gave in Providence.

But if we look more closely into particulars, we shall find still more glaring features of injustice. Taking the number of votes for Electors in 1840, as the standard number of freemen in the several towns, I proceed. The town of Jamestown sends 1 Representative for every 18 freemen, while the town of Burrillville sends but 1 for every 126 freemen; the town of Scituate 1 for every 184 freemen; the town of Smithfield 1 for every 289 freemen; and the city of Providence one for every 360 freemen.

Thus we see that as much political authority might be wielded by one man in the town of Jamestown, as by seven in the town of Burrillville ; ten men in the town of Scituate, sixteen men in the town of Smithfield, and 20 men in the city of Providence ! !

It will be easily seen by this exposition, that there is always opportunity for the minority to control the majority: and whenever the local interests of the one come into collision with those of the other, can they be expected not to do so? What can be more important in a State, than a just and equal apportionment of taxes? And yet the late system of Representation (which is but slightly ameliorated in the present) had both the interest to sustain, and the power to perpetuate, an apportionment unequal and unjust as we have seen above. Is there not here something more grevious than a penny tax on tea?

Was it designed by our ever-honored founders that such inequality should exist? Unquestionably not. Could the venerated Roger Williams now see the wrong done to his beloved PROVIDENCE, whose name hallows it as a City of Refuge from Oppression, his dust would be troubled in its dishonored grave; and he would indignantly start forth, to rebuke with awful severity, his weak and vascillating successors; while he girded on once more the armor of Truth and Right, grasping again the old familiar standard of Liberty, to lead on the ranks of Reform towards that sublime point of eternal Justice, which his penetrating eye so clearly saw!

Thirdly. They consider the Law of PRIMOGENITURE, as it places the mere accident of birth paramount to natural ability, or moral character, highly unjust and oppressive; and, therefore, ought to be abolished, as a remnant of feudal barbarism, which is subversive of the very first principles of Democracy. "Primogeniture," says Paine, "is a law

against every law of Nature; and Nature, herself, calls for its destruction." And yet this corporation of Aristocracy, although, confessedly, man has no power to give away the rights of posterity, continue to "cram Hereditary Right down the throats of the vulgar —" as if the world should never outgrow its swaddling-clothes, and might be held in leading-strings forever.

Fourthly. They consider the act of propounding and creating freemen, as a ridiculous mockery of power — at once degrading to the receiver, and an arrogant assumption of power in the donor. It is not sufficient that a man should have even the required amount of property, but he must be propounded, and pronounced free — the seal of his freedom depending entirely upon the will of the Town Meeting. This is what no man of dignity and common sense should submit to — inasmuch as freedom, being an inherent quality, pre-existing in our nature, it is impious for any man — or any body of men — to claim the power of conferring it — most impious in professed Republicans. It is, indeed, so pitiful a sight — this Republican-Legislative gift of freedom to man, as might "make the angel's weep," if they did not laugh outright, at the ridiculousness of the farce, which man is wont to get up from time to time, on the narrow "boards" of Legislative Authority, and rehearse, and act, with such supreme gravity. Is not the genius *simia* very frequently represented among us; nay, is it not possible that our High Places are desecrated to "Apism?" One might fear, from all this inane chattering, that man is really losing the soul out of him; so nearly does he come to resemble, both in language and action, his four-handed brother of the East. But courage, Reader! His soul is *not* lost. It is only *forgotten*. In the fulness of time it shall be remembered, and reinstated in its true place; though it may be in a

condition much cramped and palsied with long disuse — or more probably *misuse.*

Fifthly. The non-freeholders of Rhode Island, being ineligible to act as Jurors, *cannot be tried by a jury of their peers.* Neither can any non-freeholder undertake a case at law, upon his own right, unless he procure the name of some freeholder to be endorsed on the writ. The law took no cognizance of man, as MAN; but only of a landed-property-adjunct, worth $134 — this was the only recognizable man in Rhode Island. Is not the badge of servitude fearfully visible here?

Sixthly. The General Assembly is not only a Legislative body, but also the Highest Court of Appeal. In other States the Judicature is a distinct and independent body; and, therefore, can interpose a check upon the Legislative power — But so it was not, and IS not here. The Legislature may enact any laws, however odious; and enforce them, being subject to neither rebuke or question, from any higher power. It may be safely laid down as a general principle, that the Legislative body should never be trusted with discretionary power over the Elective Right, or the Judiciary. The learned Chancellor Kent speaks expressly to this point, in the first volume of his Commentaries, page 207. "The power of making laws is the supreme power in a state; and the department in which it resides will naturally have such a preponderance in the political system, and act with such mighty force upon the public mind, that the *line of separation between that and the other branches of the government ought to be* MARKED VERY DISTINCTLY, *and with the most careful precision.*" Quite contrary to this opinion has been the connection between the Legislative and Judicial Departments of our Government. One instance will show the dangerous tendency of such a position, which, as the case is both interesting and

important, I shall be permitted to give at some length, for the benefit of those who are not well read in the "Memoirs of the Rhode Island Bar."

In the state of frightful embarrassment immediately following the Revolution, when the bills which Congress had negotiated in Holland for the purpose of paying off the army, had returned unpaid and protested, and laden with the extra burden of heavy damages, the salvation of the Republic appeared at stake and the most sanguine hearts were shaken with fear — hearts that had borne up bravely under all the doubts and horrors of a protracted warfare, now became stricken with dread, and almost hopeless. In this crisis, the merchants, prompted by immense profits, exported all the gold and silver from the country, in order to exchange them for commodities which were much needed. So scarce was money, that the borrower had to pay twenty per cent. per annum, interest; and sometimes four per cent. per month. The brave but broken-down soldiers had returned home, penniless, and their families were clamorous with cries of, "what shall we eat?" and, "what shall we drink?" and "wherewithal shall we be clothed?" In this dilemma a band of political gamblers came forward, and succeeded in persuading the people that they had discovered the Midas-secret — the art of converting, by their magic touch, the most worthless substance into gold. They obtained a great majority in favor of their project — the ruinous project of issuing a paper currency without any metallic basis; for as the drowning man will catch at an offered straw, so the distracted bankrupt will seize any apparent means of rescue, however inefficient it may prove to be.

The General Assembly, in 1786, emitted the enormous sum of £100,000 of paper money in bills, enacting farther, that such currency should be a good and lawful tender, to be used instead of money.

These bills soon fell into discredit; and some of us can now remember of hearing our fathers and grandfathers, tell of a phenomenon frequently seen in those days, never perhaps seen in any other — that of a creditor running away from his debtor, to avoid receipting for the payment of his note!

But at the session of the following June, the General Assembly, after a long preamble, setting forth the excellences of their plan, passed an Act, making it criminal to refuse their paper bills as money, to make any difference between them and gold and silver; to discourage the passing of them; or to depreciate them in any way; the forfeiture being, for the first offence, a fine of £100, with a loss of eligibility to any office of trust, profit, or honor, in the State. In August again, a special session of the Legislature was convened — making three sessions in four months — and all to promote the wild experiment of converting paper into gold. At this last session it was enacted, after a preamble which it would be well for the admirers of our time-honored institutions to study, as an instance of bare-faced assumption of despotic power, that if any person should refuse to receive the bills as coin, he should be cited before a special court, in three days, and there stand his trial WITHOUT A JURY. And judgment was to be forthwith executed — and such judgment was to be final, exclusive, and WITHOUT APPEAL. There is our HONORABLE General Assembly, in full length and fair colors! And have we not had in these days, instances of tyranny as hellish as that act was intended to be? An Act that was well described by Rufus King. "Its red was red as blood. Its black was black as Tartarus." CAN THE ANNALS OF ANY CIVILISED GOVERNMENT PRODUCE A PARALLEL TO THE ABOVE ACTS? And, further, all the freemen in the State were required to swear, or affirm, that they would use their endeavors to give the paper money a cur-

rency equal to gold and silver; and, upon their failing to do so, "were *punished* AS FOR WILLFUL AND CORRUPT PERJURY."

But the catastrophe drew near. In September, 1786, the case of Trevett vs. Weeden, arose. The plaintiff had bought meat of the defendant, who was a butcher, and offering him the paper bills, was refused. Gen. Varnum was counsel for the defendant; and but for his steadfast and straight-forward earnestness, his patriotism, his love of truth and justice, a deadly precedent might have been established, and the vital energies of the young Republic have become paralyzed forever! To use the words of the eloquent Mr. Updike, "He happily elevated the court above the trammels of party, and made them feel conscious of the high responsibility of their situation, and compelled them to feel that they were no longer 'paper money' tools, mechanically to perform the works of a junto, but robed as judges, expounding the law, and the constitution." His appeal to the magnanimity of the Bench was not in vain. "The Court adjudged that the amended acts of the Legislature were unconstitutional, and so, void."

Now mark the authoritative and dictatorial mandate of the General Assembly, as may be seen on their Record to this day. "Whereas, it appears that the honorable Justices of the Supreme Court of Judicature, Court of Assize, &c., at their last September term of said Court, declared, and adjudged, an act of the SUPREME Legislature of this State, to be unconstitutional, and so absolutely void. And whereas, it is suggested that the aforesaid judgment is unprecedented in this State, and may tend TO ABOLISH THE LEGISLATIVE AUTHORITY THEREOF, *it is voted and resolved*, that all the justices of the said Court, be forthwith cited by the Sheriff of the respective counties in which they live, or may be found, to give

their immediate attendance on this Assembly, *to assign the reason and grounds of their aforesaid judgment.*" They were summoned in this imperative manner, and that without ordinary notice. After a tedious and protracted trial, which was urged with the greatest violence by the prosecuting party; who would be satisfied with nothing but dispossessing the Judges from their places, and so making them an example, the latter were finally acquitted. Their acquittal was mainly owing to Gen. Varnum, who undertook their defence, and in a series of eloquent appeals seldom equalled, and never surpassed, he overpowered all opposition, and produced such a strong reaction upon the public sentiment and feeling, that the General Assembly, seeing their case utterly hopeless, were glad to capitulate. But no thanks to them; for justice was extorted, not freely rendered. We see here that the principles laid down in Magna Charta, were violated by acts incompatible even with the rights of British subjects! Had not the General Assembly possessed the power to make and unmake Judges, at least once a year, would they have dared, in the first place, to create those odious laws, and then follow up their course by such a high-handed act of tyranny and usurpation as the above? Men of Rhode Island, ponder well this lesson. The danger IS NOT OVER yet! Your liberties are still in the hands of the successors of that same General Assembly. Through this defect in our government, wise and thinking men have long seen a dangerous perspective in the Future; and their view was brought fearfully nigh in the terrors of Martial Law, which to this day has never been repealed.

Seventhly: They consider that as the laws of a country regulate, not only its natural wealth, but also all the fruits of human skill, genius, and industry, and are capable of reaching, not only the earnings, but the liberty and life of any citizen, the man

who is denied his voice in making laws, which he is, nevertheless, compelled to obey, is, in the fullest sense, a slave. All his rights are at the disposal of others, and he can enjoy even liberty and life, but by courtesy, as it were — and only so far as his self-constituted Rulers think them worthless; or from some motives of policy, dare not take them away. And not only are the above positions true, but it is to be presumed that laws framed by an exclusive class, would, almost necessarily, have regard to the interests of that class, though they may annihilate the interests, and rights, of every other.

Finally: They object, altogether, to the strong concentration of power, which is vested in the General Assembly — a power which is guarded by no constitutional provisions, and is amenable for its abuses to no earthly power, but the court of a foreign Monarchy. The Assembly had, or rather claimed, the right to fix the right of freedom at just what amount they pleased; so that although it may be graciously permitted at one time — to adopt the kingly phrases which please their ear the best — by their "especial grace, certain knowledge, and mere motion," that it should be only $134; still they might, as legally and rightfully, fix the terms at $134,000; and thus constitute an Assembly of Lords, from which the great body of the People would be forever excluded. Will any one say there is no danger of this? Let me ask him what security against it he can see? I perceive none. But facts show to the contrary. The Legislature have repeatedly changed the qualification — the particulars of which changes were given in a former chapter — and who shall say that they may not, by their own sovereign will, or more sovereign caprice, change it again, and that for the worse?

Finally: They considered that as "Government derives all its just power from the consent of the gov-

erned," and a large majority of the people had never, by any public act, or any written Instrument, CONSENTED to the Government of this State, they no longer regarded themselves as the subjects thereof, but they were determined to put their own hands to the work, and form a constitution that should take cognisance of the interests, and the manhood, of the whole people. These are their grounds of complaint, and they are ready to submit them, not to the few lordling usurpers of the Rhode Island Oligarchy, but to the neighboring States — the United States — to good men and true, the world over. Let their Principles be tried by the Declaration of Independence; by the Constitution of the United States; by the writings of the British Patriots; by those of the greatest American Statesmen; by every Instrument, and by every principles which Americans hold sacred, and as they prove true or false, they are willing to stand, or fall.

But, to touch once more upon a point lately dismissed. If Rhode Island possessed the right to disfranchise her citizens in regard to the choice of state officers, could she have a right to prevent them from taking part in the election of officers under the General Government? The Government of this country was the result of a long and bloody war — a war in which RHODE ISLAND was the first to put life and* limb in jeopardy, and in which the Fathers of Rhode Island toiled, and suffered, and bled, to sustain the principle of the natural equality of man. To serve in that war no property qualification was required; and to our everlasting shame be it spoken, many of our bravest men, with the gallant Barton at their head,

* The British schooner Gaspee was taken June 17th, 1772, just four years preceeding the battle of Bunker Hill, when Lieutenant Duddington, the commander, was badly wounded. On this Rhode Island established her claim to having spilled THE FIRST BLOOD in the Revolution.

remained to their death, galled by the fetters of political slavery — unpossessed of the blessing which they had purchased with life-peril, and bitter suffering, and sealed with their blood! A few of these are left even now; nor will the pealing cannon, nor our loudest boastings, nor triumphal martial melodies, on the Fourth of July, quite drown the discord of their clanking chains! Long years of bondage have been weakening those old and withered arms, which, in the vigor of early manhood, with no shield but Truth and Right, bore bravely up the standard of young Liberty, amid the embattled of Hosts of Oppression and Slavery: and WE are reaping the fruits of their toil, casting out the unrewarded Laborer therefrom! Shame! Shame!

Are not the sons of those who established the right of man to self-government, heirs of that right? And should they longer permit an arrogant and usurping Aristocracy — a bribing, cheating, corrupting Aristocracy — to rule over them? God forbid. Unworthy, then, were they to accept, and carry out, the high mission for which every American citizen should conceive himself sent into the world — to be an Apostle of Liberty — to preach the doctrines of Man's inherent Rights, best exemplified in himself, before an enslaved, enslaving, and slavish world!

CHAPTER IV.

THE RISE AND PROGRESS OF THE SUFFRAGE MOVEMENT.

This age is peculiarly and remarkable an age of transition — of reform. The spirit of liberty which was aroused in the last ages has been very far trans-

cended in this. Men are beginning to look beyond, and higher, than mere physical freedom, and to perceive that there is something loftier and purer than that liberty which has too often been made the theme of empty declamation. The masses of men are beginning to understand something of themselves — and, consequently, of their correlative duties and rights. They catch occasional glimpses as it were, of the long-obscured *inner light* — a light long hidden, but not exhausted; and, as it brightens more and more, they are turning to the study of themselves — their nature — their character — their rights — their duties — their destiny, with astonishment, and reverence, and awe. This one fact in view, it will be seen that there must be revolution — either political, mental, or moral, according to the circumstances in which any community of people may be placed. But simultaneously with these changes has been developed a very important principle, namely, an increased tenderness for human life, and human happiness. The great sentiment of the age is THE LOVE OF MAN. There are many, indeed, who are striving to the utmost to retard the onward movements of Humanity — and such are all monopolizing corporations — as Capitalists, and Aristocracies — whither hereditary or temporary; but the impetus is too strong to be easily checked; and obstacles overcome will only accelerate the progress. The spirit of the age will not long permit some men to live sumptously, and fatten on the labor of others — while the poor laborer, himself, is starving. No exclusive bodies of men — no Aristocracies — will long continue. "MENE TEKEL" is already written upon their walls. The days of their wrong are numbered. They must be weighed in the balance, and found wanting; and their kingdom shall be divided. The repealers of Ireland, the Chartists of England, the Free Suffrage men of Rhode Island are awake,

and acting; and what man, or what body of men, may have sufficient magnetic power to reproduce the state of inanity from which they have been so effectually roused — to paralize, and put them to sleep! Can all the Lords, Spiritual and Temporal, of England do it? Can even the General Assembly of Rhode Island? Every man that IS A MAN, indignantly, and determinately, must answer: "NO."

Although the progress of our Cause was early treated with silent contempt by our opposers; and then, when they could but see that we were doing *something*, regarded as a mere farce; yet all who looked into the matter with a philosophic eye, could see the foot-prints of Human Liberty, as it were sensibly impressed upon the passing times, illuminated with a strong light of truth, which would no longer suffer them to be hidden. This, as I have said before, is not a question of mere sectional interest, nor one which may be circumscribed by the narrow boundaries of a political party; for it is founded on a principle in which every human being must, sooner or later, feel an interest. The issue of this great question, whether government is instituted for the good of the people, or for its own especial prerogative — the people being bound to sustain it, though it be to the prejudice of their own rights, contains a principle which cannot, in this our day, be crushed and smothered, without violating the common sense of mankind; and checking, in no inconsiderable degree, the progress of light and liberty. The decision which is now making, and the course of action which leads to it, will not, alone, affect us and our posterity. The neighboring States will feel and be affected by it. The North will feel it. The Republics of Central and Southern America will feel it; until, finally, throughout the whole earth, the chain will be forged, or the fetter broken, according as we prove ourselves bond or free. It is in this

wide relationship to all Humanity that I consider the question; and so all wise and thinking men among us regard it. But I will leave these reflections, and proceed to narrate, plainly and briefly as possible, some of the principal actions and events which have marked our course.

By the War of the Revolution the Government of Rhode Island was resolved into its original elements. The allegiance to the British Crown was abrogated; and, with it, the British Charter became an absolute nullity. It could not be otherwise; nor could all the talk and boasting of the last fifty years, somewhat loud though they were, and tedious to hear — make it other than a dead body — dress it — and decorate it as they might — it was still dead; and he who would prove otherwise must first prove that the People of Rhode Island were, up to the year 1841, rightfully subject to the British Crown. By the War of the Revolution the Sovereignty of the People was established — though, by the revelations of these days, we find *it is to be established over again.* It then became the right of the People, as a whole body, either to adopt the Charter as the Law of the State, or to reject it, and frame a constitution upon republican principles. They have never done either. They were never permitted to do the one, nor asked to do the other. The non-freeholders being considered as serfs, their seal of approbation was in no wise considered necessary to the validity of any public document. Being thus disfranchised, they had no power, in the accepted sense of the term, to act legally; and the continuation of the old government without their consent — which was never even asked for — was clearly a usurpation of their rights, and in violation of Section IV, Article IV, of the Constitution of the United States, which guarantees to every State in the Union a Republican form of Government.

It has been urged, on the other hand, that the People did, by their silence, assent to the Government; because, at the time they did not protest against it, submitting to the law of the strongest without complaint. Other Republicans do not justify them, if American Republicans claim such assent, as the rightful grounds of instituting a government. Algernon Sydney, volume 1, page 415, after having shown some reasons why sufferance gives no consent in such cases, says, page 416. "And those who are under such governments, do no more assent to them though they may be silent, than a man approves of being robbed, when, without saying a word, he delivers his purse to a thief that he knows to be too strong for him.

"It is not, therefore, the bare sufferance of a government, when a disgust is declared, nor a silent submission when the power of opposing is wanting, that can imply an assent, or election, or create a right; but an *explicit* act of approbation, when men have ability and courage to resist or deny."

This "explicit" act of approbation was never shown. There is no act on record, either municipal, judicial, or legislative, bearing the seal and sanction of the whole people of Rhode Island. It is marvellous; and it will stand as a recorded wonder to all generations, that so large and intelligent a majority, with such a precedent as the General Government before their eyes, and with such examples as the sister States around, should so long have submitted to the sway of a despotic minority — a condition of worse than colonial bondage; for had they remained subject to the King, to the King could they have applied for a redress of grievances; but from the hydra-headed tyrant of Rhode Island, the General Assembly, there is no redress, and no appeal.

Soon after Rhode Island entered the confederation — which she did in 1790, there began to be popular movements in favor of an equalized Representation, and an extension of Suffrage; but without success. In 1811 the subject was renewed; and a bill to extend Suffrage to all who performed military duty, or paid taxes, was introduced. This bill was passed by the Senate, but was lost in the House of Representatives. But the spirit was not subdued. In 1819, and the three following years, the sentiment was gathering depth and strength; and perhaps failure only added to its yet-latent force. But little was done, however, more than to keep the subject alive, until 1824, when a convention was called by the General Assembly, for the purpose of forming a State Constitution. This convention recommended an equalized Representation. They drafted, and proposed to the freemen a Constitution, which was voted down by a large majority; and a motion to extend Suffrage to others besides Landholders, received but THREE votes. This might have been anticipated by one at all acquainted either with the organizing body, or the general principle, that a privileged class guards its privileges with a jealous eye; and the last thing, perhaps, which men relinquish, voluntarily, is power. But still the fire was not quenched. The claim of man to manhood, and all its prerogatives, was made the subject of frequent discourse, of petitions, and of public lectures.

In 1829 renewed interest on this subject was excited. The disfranchised inhabitants, particularly those of Providence, began to have little gatherings, which gradually increased to large assemblies. Petitions were presented to the General Assembly, one of which, signed by nearly two thousand persons, was so far respected as to be made the subject of a Report. These Memorialists after introducing them-

selves as "permanent residents of the State of Rhode Island," proceed to enumerate the political abuses under which they labored, praying for redress — but without asking for universal Suffrage. The whole tone of the Memorial is at once respectful and manly; and I cannot think that the Reporting Committee paid much attention to it, or they could not, as gentlemen, as men, have replied so insultingly to a document, which, both from the number of its signers, and the spirit of its contents, was eminently entitled to consideration and respect.

But let us give a passing glance at the Report, which was presented by the late Benjamin Hazard, one of the most distinguished members of the House of Representatives. It commences with the declaration that "the Committee have not thought it necessary to enquire particularly, how many of the signers are native citizens of the State." Of course not. There is always danger of making enquiries in such cases, as the General Assembly have since felt. A questionable right, or title, is always safer in the dark. After very courteously informing the petitioners that they have leave to withdraw their petitions from the House, and themselves from the State, the first paragraph ends.

He next proceeds to show that "the right of Suffrage, as it is the origin and basis of every free-elective government, so is it *the peculiar and exclusive prerogative of the people; and cannot, without infringing that prerogative, be subjected to any other control than that of the people themselves.* If representatives of the people chosen for the ordinary purposes of legislation, could assume a control over this right; to limit, curtail, or extend it, at will, they might disfranchise any portion they pleased, of their own electors; might deprive them of the power ever to remove them; and thus reduce the government to a permanent aristocracy." Most heartily do we re-

spond to this declaration. We claim the right of Suffrage, as "the peculiar and exclusive prerogative of the people;" and because it is *not* in the hands of the people, but is controlled, altogether, by a favored class, and their legislators, we fear that the government *will* be reduced to "a permanent Aristocracy." Experience, as well as reason, teaches us that the prerogative thus held can never be safe; and, therefore, we would place it beyond the power of legislators to disturb or injure. He speaks a great deal of the "*sound*" part of the community. Does he mean by that term to represent the BANKRUPT ARISTOCRACY, who have so long controlled the affairs of Rhode Island? Would not the term be at least as well applied to the respectable Mechanics, Tradesmen, and Operatives, by whose *unpaid* labors many of our noble swindlers are sustained? He distinguishes the Memorialists and their party as "loose and floating population;" though they assert themselves to be permanent residents of the State. Most gentlemanly and courteous, to say the least, thus to give the lie-direct to a body of almost two thousand men! But the prerogatives were so very safe, and the power so strong, and the Rulers so noble, and the People so SERVILE, there could be no danger! no disgrace! What should Omnipotence have to fear? But the Reporter in some degree justifies himself for his most sovereign contempt, by representing the Memorialists as a degraded portion of the community — as aliens, the rabble, and the like.

Again, page 6, he says: "The restrictions, by which the welfare of society requires that the elective franchise should be controlled, do not at all clash with the great truths which we all embrace: — *that the people alone are sovereign; and the source of all power; that governments are instituted solely for their good; and that the majority ought to govern.*" He then very gravely proceeds to neutralize

those important truths, by defining the People as the "Freemen" — that is to say, the MANUFACTURED MEN. It seems by this definition that GOD is *not* Almighty, as has been foolishly enough believed. — He cannot make "Freemen," or even "People;" but this higher power has been held in reserve by the GENERAL ASSEMBLY and TOWN MEETINGS of Rhode Island! What new systems of Philosophy and Theology may grow out of this newly-discovered truth, I cannot attempt to predict. The political theory which may be established thereupon is somewhat more apparent.

The Reporter next goes on to draw a comparison between the masses of Rhode Island, and those of South Carolina, in such a manner as to show that he ranks them together — that he believes the white laborers of his native State, are to be placed on a level with the SLAVES of South Carolina; and this by more than implication; for he says directly: "We have included the slaves of South Carolina, because, whatever their condition, *they are still a part of the people*, AS MUCH AS THOSE OF OTHER DESCRIPTIONS, *who, on account of other qualifications*, are excluded from the exercise of the right of Suffrage." And, simply adding, that the gentleman, in the fervor of his patriotism, deprecates the idea of making "*our* country, *everybody's* country," I dismiss the Report, which truly deserves notice only for the high-handed atrocity of its doctrines.

This Report, insulting as it was to the very name of manhood, was adopted by the Oligarchy, and printed by their order. It was openly and unblushingly exulted in, as the most effectual rebuke which the white slaves of Rhode Island had ever met at the hand of their lordly masters. Here it will be proper to say, that these petitioners were, mostly, the honest and stable mechanics, laborers, and yeomen of the State; and that they made a very large por-

tion of the temperance men, the friends of social improvement, and moral rectitude in Rhode Island; yet they were villified by the foulest slanders, and became the subject of every abusive epithet which malice or falsehood could invent. The high authority of the press was prostituted. Instead of responding indignantly to the audacious claims set forth in the Report, and vindicating itself as the Palladium of liberty, it became the engine of despotism — the vile pander of the General Assembly, to echo, and re-echo their doctrines — to distort and exaggerate, if possible, every malicious insinuation, and every false charge.

In 1832 another attempt was made by the people to obtain their rights; but, like the preceding ones, was destined to failure.

In 1833 the question was brought up anew, and weekly meetings at the Town House were held for its discussion. A correspondence was also opened on the subject with John Quincy Adams, and Francis Baylies, each of the letters from Rhode Island being signed by six persons, those sending the letter to Mr. Baylies subjoining their trades to their proper signatures. In his reply Mr. Baylies enters into the subject at full length — and ably vindicates the popular sovereignty. Mr. Adams is more concise, but he no less satisfactorily answers the question asked; namely, whether "the best part of the citizens of Massachusetts regret the extension of Suffrage in that State; and would willingly adopt the Rhode Island plan, were it practicable to do so?" It should here be said, that the Suffrage party were continually told that the people of Massachusetts were extremely dissatisfied with their system of Suffrage, and would willingly change it for the Rhode Island Charter system, if they could. Mr. Hazard says this of the Free Suffrage system in general — "by us untried, and tried by others *only*

to manifest its mischievous effects, and the fallacy of the principle upon which it is predicated." As the letter of Mr. Adams is short, and also contains a direct contradiction of this assertion, I insert it entire, to show what falsehoods were resorted to, in order to deceive the people.

QUINCY, May 10th, 1833.

GENTLEMEN: I have received your letter of the 22d of last month, enquiring my opinion with regard to the adoption in the State of Rhode Island of the mode of practice, in Massachusetts, of the political right of Suffrage.

The administration of the Government, and the modification of the Constitution in each State of this Union, are exclusively at the disposal of the people of the State itself. As the point upon which your enquiries turn, is one upon which, I conclude from your letter, that there is a great diversity of opinions among the people of your State, it might be considered obtrusive, in giving his opinion, for a stranger to pronounce on one side or the other. The right of Suffrage is, in every State of the Union, subject to some limitation, but scarcely any two States have the same.

With the system of voting established in Massachusetts, so far as concerns the right of voting, I do not know that there is any dissatisfaction among the people. If there were, it is probable measures would be taken for amending, in that respect, the Constitution. I see no occasion for dissatisfaction with it, myself, and feel none. Whether it would be expedient for the people of Rhode Island to adopt, I am not competent to give an opinion, deserving to be considered of any authority. Were it otherwise, I would cheerfully give it, in compliance with your desire, being,

With great respect and consideration,

Your fellow citizen,

J. Q. ADAMS.

Messrs. WM. J. TILLINGHAST,
LAWRENCE RICHARDS,
WILLIAM MITCHELL,
SETH LUTHER,
WILLIAM MILLER,
DAVID BROWN,
} Providence, R. I.

In this same year, May 10th, a meeting of those favorable to the adoption of the Massachusetts mode of Suffrage was held at the old Town House, at which a committee appointed at a primary meeting, holden April 19th, made their Report, which in a

very spirited manner, set forth the claims of the non-freeholders.

It is now my pleasant duty to make record of more strenuous exertion, and vigorous measures. In 1834 many individuals in the State associated themselves together, and organised a party, for the express purpose of obtaining, by political action, an extension of Suffrage. Invitations were given from the towns of Smithfield and Cumberland to several of the larger towns; and, pursuant to these, their delegates assembled at Providence to deliberate upon the best course to be pursued for the establishment of a written State Constitution, that should properly define and fix the powers of the several departments of the government, and secure the rights of the citizens. This convention assembled at Providence on the 22d day of February; and also again on the 12th day of March, 1834. At the first meeting a committee was appointed to prepare an Address to the people of the State; and at the second meeting the Address was read and adopted. Of that Committee, Thomas W. Dorr was Chairman. The Address is a noble and manly production; dignified, yet courteous — calmly and clearly setting forth the claims of Right. It bore, in short, the mental image of its author, the YOUNG CHAMPION OF LIBERTY, who with a moral courage which few, not having been in Rhode Island, can correctly appreciate, had just then thrown off the trammels of social and hereditary bondage, which would have bound him forever to the interests of a narrow clique. Disregarding alike the entreaties of friends and the prospect of success, and high distinction, which, from his position and talents would have been pre-eminently secure, he voluntarily became the Friend and Advocate of the poor, the weak, the suffering, the enslaved; and, with the godlike vigor of a young Hercules, he began battering away upon the huge black walls of Oppression, and

of *Wrong;* resting not, yet fainting not — for HE KNEW THAT THEY MUST FALL. And when the events of this period become incorporated with the History of the Past, let it be held in everlasting remembrance, that against the State-Despotism, THOMAS WILSON DORR, the destined Liberator of Rhode Island, struck the first well-aimed and effective blow. Immediately after the Convention alluded to above, the Assembly began, for the first time, to exhibit symptoms of alarm; and several influential citizens came to the wonderful conclusion that *something should certainly be done.* Pursuant to this resolution, or rather subterfuge, another Convention was called; but still NOT of the People, in the Republican sense, but only in the Rhode Island sense — as will be understood by the fact that a motion for the extension of Suffrage received SEVEN votes.

The Constitutional party held another Convention in 1837; at which they passed some strong Resolutions, and took higher ground. A nominating Committee was also appointed, with instructions to propose for the support of the Constitutional Party, in the coming April, a Ticket of State Officers favorable to their principles; and to report a Ticket of candidates friendly to the same, for the next election of Members to the Congress of the United States. But after all, no visible progress was made; and after a manful struggle of four years, the party expired, without having wrought any perceptible change upon the fixed determination always to sustain the present Suffrage laws.

At the January session of the General Assembly, in 1840, an Act to regulate the Militia was introduced, and passed by that body. This Act made it a crime for any man to refuse to do Military duty. A court-martial was established, to impose and collect fines; and any refusal to pay such fine, or fines, subjected the offender to be arrested and cast into

prison among the vilest criminals, without being allowed any favors usually extended to debtors. This barbarous law, it will be seen at once, was a direct violation of that clause of the Charter, by which liberty of conscience was secured, since there were many in the State, whose principles would not permit them to bear arms, or to aid in supporting a Militia, either by their money, or otherwise. It moreover bore with disproportionate heaviness, as doubtless it was designed to do, on the non-freeholders, they doing the largest share of military duty. The Act of Assembly was the nucleus of the present Free Suffrage Movement. Universal dissatisfaction prevailed among the last-mentioned class of citizens; complaints were made, and the subject became one of general discussion. In these discussions the Mechanics of Providence took the lead; and after frequent and earnest councils and consultations among their friends, they called a meeting at Union Hall, for the purpose of considering the best means of obtaining an Extension of Suffrage, and an Equal Representation. The night was stormy, and but five persons were present. But those few, like the brave men of Leonidas, had thrown themselves into the gap, pledging all that they had, and all that they were, resolving to live like men, or, like men, to die in the conflict. The next meeting presented a rise of only from five to nine: but from this period a new impulse was given to the cause; and the spirit of Hope that had so long deserted them, once more appeared bending her azure pinions above the political horizon.

The next meeting was very respectably attended, and no inconsiderable degree of talent, right thinking, and good feeling were elicited. Resolutions were adopted, expressing strong disapprobation of the course of the General Assembly in regard to the Militia Law, and a determination to regain and es-

tablish their rights. The spirit that was manifested on this occasion, brought great numbers to the meetings; and on the 27th of March, a Preamble and Constitution were adopted for their future government, under the name of the Rhode Island Suffrage Association. The Preamble is a noble document, and I will insert it entire.

PREAMBLE.

That all men by nature are free and equal, we consider the plain and simple doctrine of the American Constitution, and a self-evident proposition in itself, and without which, republicanism is but a name.

The acquisition of property, however necessary and laudable, we hold, neither increases nor multiplies the natural rights of its possessors, nor diminishes the natural rights of those who possess it not. Independent of artificial government, no distinction of right, privilege, or rank, could exist and be maintained, except by force, nor the superiority of one man over another.

The formation of the social and civil compact, is intended for the equal mutual benefit and protection of all; yet, without a perfect equality of rights, no such equality of benefit and protection can exist.

Originally, in a republic, the only voluntary government on earth formed by common consent, each person enters the associated body, with his own natural and inalienable rights; and which no human power has the rightful authority to wrest from him. The only surrender he makes, and the only compromise into which he enters, is, to lay down his personal independence for his own security, and to be governed by the majority, for the benefit of the whole. In doing this, it is altogether inconceivable that any man should, of his own accord, resign the right to participate in the selection of members of the body to whom the powers of government are to be delegated, and on which selection his freedom or slavery, and his happiness or misery may depend; and no longer than the majority shall respect this right, can they justly claim his obedience; and that for the very sound and obvious reason, that in so doing, he is to be governed as a slave, and not as a freeman. But the distinction by which the right of suffrage is made to depend on the possession of property, takes away the natural rights of the man by force, and places him completely at the mercy of those who will be disposed to oppress him.

If the possession of property were one of the conditions originally ordained of heaven, on which were to depend the right of man to be free, and to act as a freeman, we could readily under-

stand how and why the loss of property should involve the loss of those rights also. But when we reflect that all are originally destitute, and that all are originally alike free by nature, it surpasses our comprehension, how or why the accumulation of property by one man, should destroy the natural rights of another. Yet precisely to this effect the laws of Rhode Island operate. A large majority of the people of the State, are deprived of all voice in the government, and of a representation in the legislative body: not because of the loss of property by themselves, but because of the accumulation of property by others. By this usurpation of despotic power, and its exercise by a minority, whose only claim to the exclusive right to govern is based on the fortuitous circumstance of wealth, the majority, equally honest, honorable, intelligent, and patriotic, and equally sharing, or willing to share, the expenses of government, are denied even the name of freemen, and in lieu thereof, have entailed upon them the first and most degrading attribute of slaves; an attribute of which no one can divest himself, under existing circumstances, without still farther degradation, in tacitly acknowledging himself rightfully a slave, by purchasing the right to be a freeman.

All this we consider a gross and palpable infraction of the rights which heaven has conferred on every man, and which no human power has the right to impair; and in violation of the Constitution of the United States; and a principle which converts the term republican to mockery, when applied to the government of Rhode Island.

Against such laws, and such robbery, thus arbitrary and oppressive, we enter our solemn protest; and in the sight of God and man, we pledge ourselves to use all honorable means, consistent with the American Constitution, to procure their abrogation.

We consider the government of Rhode Island, a despotism, and totally unworthy the name of republican, and having no just claim to the confidence and respect of any American citizen. She has not, and never had, as an American republican State, any compact voluntarily entered into by the people. Her only basis of government is an imperfect and almost obselete instrument *given* her by the royal prerogative of a British King, as a master prescribes rules for the government of his servants. No formal act of the people of the *State* of Rhode Island has ever ratified it. Its only force at first, was the paramount authority of the British Crown over its dependent colony; and, since the American Revolution, it has been merely submitted to from the difficulty of effecting a change.

As a republic, Rhode Island is destitute of a government:—Destitute, because she has no voluntary compact of the people, and no Constitution to prevent the usurpation of the legislative body, to define the powers of government, or the right of the

citizen. These constitute the only true distinction between a republic and a despotism; and of these Rhode Island is destitute, and yet these constitute the only guarantee for the safety of her citizens. Her government is, therefore, a despotism, because the legislative power is paramount. That body can establish and annul, alter and amend, the principles of government at pleasure, and enact laws which may continue them in office for life.

The right of suffrage is the first principle in a republic. In all free States it should be confined by constitutional provisions, adopted by the people in their primary capacity; and thus placed beyond the power of legislative interference. Otherwise it may become the tool of ambitious and selfish legislators, — be altered and amended to their particular views or desires, to the injury of the State, and to the destruction of individual rights. By the present system, the legislature may at any time increase the number of votes, by diminishing the amount of property qualification, or they may diminish the number by an opposite mode of procedure, so as to place the control of the affairs of State, at the ballot boxes, into the hands of one-fourth, one-eighth, or one-sixteenth, of her citizens; and there is no principle of our government to prevent it. Such a power is dangerous to the rights of any people, and cannot comport with the principles of republicanism.

Against this whole system we solemnly protest, as one that is arbitrary, oppressive, anti-republican, and disgraceful; and we pledge ourselves to use all honorable means in our power, to eradicate it from the State.

The next great principle of a republican form of government, and growing out of the former, is an equal representation, all-essential to the maintenance of equal rights. This is self-evident, because without such equality, the minority may generally rule the majority. Our present inequality of representation is monstrously unjust. Of seventy-two members which constitute the House of Representatives, more than fifty represent less than one-half the population of the State. Providence, containing one-fifth part of the population of the State, sends but four Representatives, while Newport, with less than one-half that proportion, sends six. Portsmouth, with a population not equal to that of one of the six wards of the city of Providence, has a representation equal with that of the whole city. Barrington and Jamestown, with both not more than one hundred voters, have each a representation equal to that of any country town, (except Warwick,) having three times as many voters and inhabitants as both of them. Such is the monstrous absurdity of our system of representation. The minority govern the majority at the ballot boxes; and in the House of Representative, the delegates of less than one-third may govern the other two-thirds. If this be republican, than may we expect to see, ere long, Great Britain,

with her throne, her aristocracy, her rotten boroughs, and her millions of disfranchised citizens, ranked among modern republics.

Yet worse than this, probably more than twelve thousand free citizens of the United States, out of twenty thousand, resident in Rhode Island, are entirely unrepresented in the legislative body, and deprived of all voice in the government of the State, though called on by law to sustain it, and to protect the lives and property of others. They are deprived of the first and most essential right of freemen, for the want of a few square feet of land, as though those who possessed that qualification were immaculate, and as though those who possess it not, must, in consequence, be destitute of intelligence, honor, honesty, or love of country, and natural and political right.

We solemnly protest against this flagrant usurpation of power over right, as arbitrary, oppressive, and unjust; and which subjects us to a state of involuntary political servitude, to the absolute despotism of a domineering minority. The right of suffrage we do not ask a favor. We claim it as our own. We demand it as a privilege, a right, bestowed upon us by heaven itself, and unjustly withheld from us by arbitrary power. God helping, we solemnly pledge ourselves, independently of all the political parties and principles of the day, except the great principles of American freedom, steadily to pursue our object till our purpose shall have been accomplished, and we find ourselves reinstated in the rights which heaven bequeathed us, and which the American Constitution guarantees.

Our first appeal is to heaven, for the justice of our cause. Next, to the whole people of Rhode Island, to aid our efforts through the medium of the ballot box. Next, to the General Assembly of the State, to do us justice. These failing, our final resort shall be to the Congress of the United States, through an assembly of the people, and if need be, to the Supreme Judicial Power, to test the force and meaning of that provision in the Constitution, which guarantees "to every State in the Union a republican form of government." Our rights, once for all, we determine to rescue from the grasp of arbitrary power, and not to shrink from the task till it shall have been accomplished. WE KNOW OUR RIGHTS, AND KNOWING, DARE MAINTAIN THEM.

Let these principles be kept forever, that wherever men are struggling, amid the devouring billows of Pride and Avarice, which the winds of Tyranny are lifting mountain-high, its light may shine forth as a guiding star — the watch-fire of those who have gone triumphantly over the deep, amid the wildest

storms, cherishing warmly, and bearing safely, their dearest treasure — the "pearl of great price" — LIBERTY.

CHAPTER V.

MASS CONVENTIONS.

A TALENTED and efficient member was chosen President of the Association; and weekly meetings continued to be holden until the following October, when the tremendous vortext of the Presidential Election, with its Utopian schemes of reform, had so absorbed and swallowed up all other public interests, that it was judged best to discontinue the meetings, until that excitement had somewhat subsided. But there were vital questions abroad, and nothing could quell them.

"Is the law of the minority, who happen to possess the control of the State — a law to which we have never *consented* — to be binding on us, and our posterity, forever? Must we longer submit to be trodden under foot, and crushed in the dust, by men formed, in all respects, and constituted as we are? Are the men of Rhode Island less just, less enlightened, less patriotic, than their neighbors, that they should be deprived of their rights, and treated like bond-slaves? Are we bound by the acts of our Fathers; or is there any immutable law by which men may bind their posterity to any defined course of action, or any position in society? Was this government, indeed, designed by our Fathers, themselves, to be a government of the MANY, or of the FEW? Did they not speak understandingly, and with an eye to the former, when they called it a 'Democracie' but has THEIR ideal of Freedom been recog-

nised by their successors? Would Barton, or Olney, or Greene, have recognised the General Assembly's definition of 'PEOPLE?' Would all these gallant spirits, who, when roused by the battle-cry of Freedom, left their plough-share in the furrow, and sped forth to the rescue, have so understood it? If such a thought had possessed them, would they not have turned back in sullen sorrow, as from work unworthy, before they had sealed with their heart's blood the badge and the bonds of servitude? Would they not have said that a dragon from the depths below, and not the strong-winged Bird of Heaven, should be blazoned on our national standard, fitting emblem of treachery and unbridled lust of power? Are 'Hope,' and the 'Anchor,' upon our State's crest, to be, for us, forever without meaning? When respectfully *asking* for our Rights is continually treated with scorn, shall we not *demand* them?" Whenever men met together, in the common street, the market, shop, and warehouse, at the public meeting, or by the private fire-side, such questions as the above were asked; sometimes with the clear eye of faith shining forth in the questioner, but oftener with a heavy heart, and a troubled look: and they shall be fully answered when the neighboring States — the United States — shall be true to Rhode Island and Republican principles; but above all, when Rhode Island shall be TRUE TO HERSELF! Heaven speed the day!

When the bustle of the Election was over, the President of the Association, Doctor Brown, called a meeting. Five, again, was the whole number that could be collected together; yet the avowed friends of liberty gradually increased; and, at length, took a rapid rise from few to many.

A weekly paper devoted to the interests of the Suffrage Party, and called "THE NEW AGE," was issued about this time; the first number having ap-

peared on the 20th of November. This sheet was ably edited, and well sustained. The name was singularly appropriate; for its friends saw it was the herald of a new age — a new era in the Annals of Human Liberty. The Suffrage Party took hold of the work right manfully, and the paper was the means of eliciting a great deal of truth, and a great deal of talent.

Suffrage Associations began to be formed in different parts of the State, and the Promethean fire was diffused abroad. A portion of the members of these Associations seemed still to retain a ray of faith in the Legislature. A petition was drawn up, and signed by 580 citizens of the State, who would not yet believe that the General Assembly would forever turn a deaf ear to their oft-repeated cry for justice. But the Minority Legislature, at its next session in January, 1841, allowed no action to be taken on it. It was not reported in the regular minutes of the Assembly, but was treated with silent contempt. So much for the sacred Right of Petition in Rhode Island, under the Oligarchy. But the General Assembly, being amenable only to the Government of England, could, of right, (so called) violate any law not conflicting with the majesty of that Kingdom. At the same session, a memorial from the freemen of the town of Smithfield, which had been lying on the table for several years, asking for an additional Representative, was called up by the members from that town, and urged so strongly, that it was found impossible to get away from it. They, therefore, requested the Freeholders to elect delegates to a convention for the purpose of forming a constitution, in whole, or in part; and to show how studiously they avoided noticing the greatest want of the people, they requested the committee to pay *particular attention to a more equalised Representation;* whilst the Right of Suffrage was wholly neglected.

The People at length became satisfied that they had nothing to hope from a convention of the Freeholders, based upon the rotten borough system of representation. After mature deliberation on the subject, the ablest constitutional lawyers in the State were consulted, as well as many distinguished gentlemen from other States, who all agreed that the principles upon which their claim was based, were correct. Encouraged by such assurances, in the month of February following, the committee of the Rhode Island Association drew up the following

DECLARATION OF PRINCIPLE.

Believing that all men were created free and equal, and that the possession of property should create no political advantages for its holder, and believing that all bodies politic should have for their foundation a Bill of Rights, and a written Constitution, wherein the rights of the people should be defined, and the duties of the people's servants strictly pointed out, and limited; and believing that the State of Rhode Island is possessed of neither of those instruments, and that the Charter under which she has her political existence is not only aristocratic in its tendency, but that it lost all its authority when the Independence of the United States was declared; and, furthermore, believing that every State in the Federal compact is entitled by the terms of that compact to a Republican form of Government, and that any form of government is anti-republican, and aristocratic, which precludes a majority of the people from participating in its affairs; and that by every right, human and divine, the majority of the state should govern; and, furthermore, and finally, believing that the time has gone by when we are called upon to submit to the most unjust outrages upon our political and social rights, therefore,

Resolved, That the power of the State should be vested in the hands of the People, and that the People have a right, from time to time, to assemble, either by themselves, or their Representatives, for the establishment of a republican form of government.

Resolved, That whenever a majority of the citizens of this State, who are recognised as citizens of the United States, shall, by their delegates in convention assembled, draft a constitution, and the same shall be accepted by their constituents, it will then be, to all intents and purposes, the Law of the State."

These Resolutions were passed unanimously, by the different Associations of the State. For the fur-

therance of the cause, and in order to a more concentrated and efficient action, a Mass Meeting was called, to be holden on the 17th of April. In obedience to the call, the men of Rhode Island, for the first time since the Revolution, assembled themselves together for their rights. The day was ushered in by the ringing of all the bells in the city, with one solitary exception — that of the First* Congregational Church being mute; and for the first time in our city the bells woke to the call of Equal Rights, and summoned the people of the several wards to form themselves into companies under the command of Ward Marshals. The day was inclement, but the occasion triumphed. There were between three and four thousand persons in the procession, and upwards of four thousand on the ground, notwithstanding the Journal made report only of "about two thousand four hundred, of whom two hundred and thirty-two were mounted, and thirty-five in carriages, and they were about twenty minutes in passing." Never, perhaps, was there a result obtained from any public meeting, so entirely beyond expectation, as was afforded by this Parade. The committee were obliged to extend their arrangements, from accommodations for four or five hundred, to accommodations for almost as many thousands. Up to the morning of the very day, many, even of those friendly, continued to be incredulous; and many a lip was dressed with a sneer, and many a brow wore a contemptuous frown, as the citizens met the small advocates of pap and leading-strings, when passing quietly along, to the ground where the procession was to form. The per-

* The Sexton had made an agreement with the committee, that this bell should send forth its joyous notes, but was forbidden by the committee who have charge of the house. The bell of the High Street Church was twice stopped by some aristocrat clothed in "a little brief authority," but would not *stay* so; for immediately on his leaving the house, it again sent forth its joyous peals. *New Age.*

sons in the procession were, in accordance with a previous Resolution, dressed in citizen's dress, without arms. There was a dignity, a conscious manliness, pervading the whole body, such as has been seldom witnessed. It is said, "The consciousness of RIGHT makes gods of common men;" and when we add to this *the consciousness of injury*, we have the secret of that noble and intrepid bearing. Many of the banners were fine, bearing pithy and appropriate mottoes.

The Revolutionary Soldiers occupied five carriages, and were twenty-two in number. They bore on their banner the following appropriate inscription:

"We have fought for freedom."

On the reverse,

"Shall we die without our freedom?"

The procession marched to the animating tones of a piece of new music, the Free Suffrage Quickstep, which was composed for the occasion by one of their members, Mr. Cartee; and its length was so great, that when the Butchers, who made the front, had arrived at the enclosure on Jefferson's Plain, the Draymen who formed the rear were just crossing Weybosset Bridge — at a distance of three quarters of a mile. After the procession had entered the enclosure, the one hundredth Psalm was sung, and an appropriate prayer was offered by the Rev. Wm. S. Balch. The Address was omitted on account of the rain; and the prepared collation being hastily partaken of, the procession again form and paraded back to the City Hotel, where they were dismissed by the Chief Marshal, in perfect order, at 3 o'clock, P. M.

An adjourned meeting took place in the Town House in the evening; when the toasts which could not be attended to on the Plain, owing to the in-

clemency of the weather, were read. They were generally spirited and appropriate.

The advantages obtained at the late meeting were immediately followed up by issuing a call for a Mass Convention, to be holden at Newport, on the fifth day of the May following. This Convention was called for the purpose of taking preliminary steps, for the framing and adoption of a Constitution, which should contain a Bill of Rights, equalize taxation, or weigh it in the balance against Representation; limit the power of the Assembly; secure the Freedom of the Press, and the rights of the People from legislative influence; and establish a uniform system of Education.

Pursuant to the call, the Convention met at Newport, on the appointed day, at 11 o'clock, A. M.; the assembly being holden in an enclosure at the head of Town street, called "the Church lot." As the very important Resolutions which were adopted at this Convention, exhibit the true features and character of the Suffrage movement, I give them entire, and in their regular order.

PREAMBLE.

"*Whereas*, It is the undeniable right of the people at all times, peaceably to assemble for consultation and conference touching the government under which they live, and which they assist in supporting; and independently utter and set forth, on such occasions of meeting together, their views, sentiments and plans relative to the correction, as well of defects in the organization of government, as of faults in the administration of the same:

"We, a portion of the people of the State, now assembled at Newport, in a Mass Convention, formed from all parts of the State, and acting in behalf of the great body of our unenfranchised citizens, do declare their and our opinions and purposes in the following

RESOLUTIONS.

1. *Resolved*, That it is repugnant to the spirit of the Declaration of American Independence, and derogatory to the character of Rhode Island republicans, to acknowledge the Charter of a British King, as a constitution, or any part of a constitution of political government, while we venerate the illustrious names of

Roger Williams, and John Clarke, to whose untiring ability and perseverance the colony of Rhode Island was indebted for this grant from the throne of England, so well adapted at the time to the wants of his Majesty's subjects, and so liberal in its concessions, we are at the same time aware that in almost all respects, excepting the immortal declaration and guaranty of religious freedom, it has become insufficient and absolete; that it has discharged the functions for which it was intended, and that it should be laid aside in the archives of the State; and no longer be permitted to subsist as a barrier against the Rights and Liberties of the people.

2. *Resolved*, That, in the opinion of this Convention, on the occurrence of the American Revolution, when the ties of allegiance, which bound the subjects of this colony to the throne of England, were dissolved, the right of sovereignty in accordance with the principles of Republican Government, passed to the whole body of the people of this State, and not to any special or favored portion of the same; that the whole people were, and are, the just and rightful successors of the British King, and as such were, and are, entitled to alter, amend, or annul the form and provisions of Government, then and now subsisting, with the sole restriction imposed by the Constitution of the United States, and in their Original and Sovereign capacity to devise and establish such a Constitution, as they may deem to be best adapted to the general welfare.

3. *Resolved*, That no lapse of time can bar the rights of sovereignty inherent in the people of this State; and that their omission to form a Constitution, and their toleration of the abuses under which they have so long labored, are to be regarded as proof of their long-suffering and forbearance, rather than as arguments against their power and their capacity to right themselves, whenever, in their opinion, redress from the government at present subsisting, is hopeless.

4. *Resolved*, That the time has now fully arrived for a vigorous and concentrated effort to accomplish a thorough and permanent reform in the political institutions of this State.

5. *Resolved*, That a system of government, under which the legislative body exercises power undefined and uncontrolled by fundamental laws, according to its own "especial grace, certain knowledge and mere motion," and limits and restricts the right of Suffrage, and *makes, and unmakes, the people* at its pleasure, is anti-republican and odious in its character and operations, at war with the spirit of the age, repugnant to the feeling of every right-minded Rhode Island man, and ought to be abolished.

6. *Resolved*, That the public good imperatively requires that the powers of the Legislature and the rights of the citizens should be defined and fixed by a WRITTEN STATE CONSTITUTION.

7. *Resolved*, That the REPRESENTATION of the towns in the General Assembly, as originally established by the provisions of the Charter of King Charles Second, had reference to the then existing population of the same, and was, at that time, not unfairly adjusted to it; but that, by the great increase of population in the towns, the existing apportionment has become exceedingly unequal and unjust in its operation; and that a new assignment of Representatives among the towns, according to population, will be an indispensable article in a Constitution for this State. A majority of the Representatives to the General Assembly are now elected by towns containing less than one-third of the population of the State; and some of the towns vary in their disproportion of representation over other towns, from *twice to twenty times* what they are entitled to, under the just principle of distribution above named — an inequality not uncommon in the monarchies of Europe, but, with the single exception of Rhode Island, unknown in the United States.

8. *Resolved*, That at the foundation of this State, and long after, property in land was not only the principal property of the citizens, but was so easily attainable that a landed qualification for voters (first definitely established in the colony, by the Legislature, in 1724) excluded only a small portion of the people from political power; but that the circumstances of the people have since greatly changed, and that the existing qualification for voting, has the effect, contrary to the design of those who first established it, of excluding the great majority of 16,000 out of 25,000 over the age of twenty-one years, from all political privileges and participation in the affairs of government; and that although we entertain a high and becoming respect for Farmers, and their just influence in this State, we are not insensible to the merits of their own younger sons, of the Mechanics, the Merchants, the Working Men and others, who own no land; and that we are of opinion, that the longer continuance of a landed qualification for voters is a great injustice, and is contrary to the spirit and principles of a Republican Government; and that a Constitution for this State will be altogether insufficient, unsatisfactory and unpracticable, that does not restore to the body of the people of this State the rights and privileges of AMERICAN CITIZENS.

9. *Resolved*, That a continuance of the provisions of the present Charter relating to representation, and of the act of the Legislature requiring a freehold estate to entitle a citizen to vote for public officers, has the effect not only of vesting the control of the General Assembly; as we have before seen, in less than one-third of the population, but, as the voters in this third are only a third part of the whole number of the adult citizens, it has this further effect also, the most oppressive and odious of all, of placing the control of the Assembly and of the State in ONE-NINTH part of

its adult population, or in other words; in the hands of less than 3,000 men of 25,000 who are over twenty-one years of age.

10. *Resolved*, That such a state of things is a bold and hardy defiance of all popular rights, and is a total departure from the principle avowed at the first session of the General Assembly in the year 1647, who then solemnly declared and voted that THE GOVERNMENT *of this State should be a* DEMOCRACY.

11. *Resolved*, That the American system of government, is a government of *Men*, and not of *Property*, and that while it provides for the ample protection and safe enjoyment and transmission of property, it confers upon it no political advantages, but regards all men as free and equal, and expects from them no price for the exercise of their birth-right; and that therefore, the undoubted rights and privileges of the people, as well as the true honor and prosperity of the State, can only be completely obtained and permanently insured, by a written Constitution, whose framers shall be chosen from THE PLOPLE of the towns, in proportion to population; and which shall be approved and ratified by the *people at large;* and that in the exercise of this high act of sovereignty, *every American citizen whose actual permanent residence or home is in this State, has a right to participate.* And we accordingly pledge ourselves individually to each other, and collectively to the public, that we will use our unremitting efforts for such a Constitution, in the way that has been described

12. *Resolved*, That we disclaim all action with, or for, any political party, in this great question of STATE RIGHTS, reserving to ourselves individually, our own opinions on all matters of State and National politics, which we call upon no man to sacrifice; and that we heartily invite the earnest coöperation of men of all political parties in the cause which we have at heart, and which we believe to be the cause of Liberty, Equality, and Justice, to all Men.

13. *Resolved*, That the General Assembly should have called the convention to frame a Constitution in November next, in such a manner as to apportion the delegates to the convention among the several towns according to population, and to give to every American citizen, as aforesaid, the right of voting for delegates, and for the Constitution which may be proposed for the ratification of the people.

14. *Resolved*, That the friends of reform in each town be requested forthwith to establish an Association, for the purpose of a better organization, for correspondence, and generally for the promotion of the objects of this convention.

15. *Resolved*, That a State Committee of five persons, be appointed by this convention, to correspond with the associations of the several towns, and to carry forward the cause of reform and Equal Rights, and to call a convention of delegates to draft a Constitution at as early a day as possible.

16. *Resolved*, That the State Committee be requested to obtain, without delay, a list of all the citizens in the several towns, who are ready to vote for and sustain a constitution, based on the principles hereinbefore declared, and to present the same at the adjourned meeting of this convention.

17. *Resolved*, That the State Committee be requested to prepare and send forth an address to the people of this State, on the subjects contained in the foregoing Resolutions, and to report proceedings at an adjourned meeting.

18. *Resolved*, That a copy of these Resolutions be transmitted to the Governor, to the Lieutenant Governor, and to each member of the Senate, and House of Representatives, whose attention is especially and respectfully asked to the Resolution relative to the call of the convention for framing a constitution.

19. *Resolved*, That the support and patronage of all the friends of reform, is urgently requested in behalf of the "*New Age*," a newspaper exclusively devoted to the cause, which we have this day assembled to promote.

20. *Resolved*, That these Resolutions be signed by the President of the convention, and Secretaries, and published in the several newspapers throughout the State, and that the publishers be requested to give them a gratuitous insertion in their respective papers.

21. *Resolved*, That this convention, when it adjourns, will adjourn to meet in Providence on the fifth day of July next.'

In concurrence with the fifteenth Resolution, a State Committee was appointed, and the Convention adjourned to meet at Providence, July 5th — the 4th being on the Sabbath, that day was chosen for the celebration of Independence. In the mean time the General Assembly, whose action only kept pace with the apparent *necessity*, started somewhat abruptly, as if too soon aroused from a remarkably pleasant dream ; and they began to think and rub their eyes, as men will do, when an unpleasant truth presents itself, and they would fain persuade themselves they are dreaming still. But look whichever way they might, a stubborn FACT presented itself. Men were gathering by hundreds, and by thousands ; and they really began to perceive something serious in the circumstance, thereby proving the exceeding keenness of their penetration, for Reverend Doctors saw

nothing ominous even for some months after. They enacted a law at their May session, for the more equal apportionment among the several towns of the delegates to the Landholders' Convention in November. And at their adjourned session in June, a bill came before the house, presented by Mr. Atwell, one of the liberal members, providing, that "every free white male citizen, over twenty-one years of age, who had resided in the State two years, and in the town where he is to vote the six months next preceding the town-meeting; and who has paid a tax on real estate, or personal property, for one year previous to voting, shall be allowed to vote for the choice of delegates to the Convention, appointed by the Assembly to meet in November, for the purpose of forming a Constitution; except persons insane, under guardianship and convicts." This single fact should be enough to silence the assertion, so often, and so boldly made, that the General Assembly were, and always had been, willing to extend Suffrage. Had they been willing to make even this slight concession, of admitting unenfranchised taxpayers, who were permanent residents of the State, to assist in forming a Constitution for the State, all the subsequent difficulty would have been spared. The people would have been content. And yet, after this most obvious violation of justice, on their part, we have been told, again and again, that the people were bent on war and pillage—that they would not accept the kind overtures of the Assembly, which were always held out to them. Never was there a grosser falsehood! The people's error was on the opposite side. They were too willing to make concessions — they were too ready to yield, for the sake of peace. They clung, to the very last, to the hope of a legal adjustment of the difficulties; and most of them have never yet renounced it. On the General Assembly, then, and on them alone, rests all the

sin growing out of the events which they then determined! This very important bill of Mr. Atwell, notwithstanding his noble defence of its provisions, was not only lost, but it was voted down by a vast majority.

Agreeable to adjournment the Suffrage Convention assembled at Providence, July 5th. This day afforded a glorious triumph to the friends of Equal Rights. The Free Suffrage party wore appropriate badges — and it was said by the oldest persons, that the City never had been before so full of people. The procession was formed in Benefit street, and marched to the Dexter training ground; where, after the meeting had been called to order by the President, Gen. Martin Stoddard, a prayer was offered by the Rev. Mr. Peterson; and an Oration on the subject of Man's inherent Rights, followed, by the Rev. Wm. S. Balch. That oration was worthy the fine mind, and true heart, of its author; and could the principiples which it embodies be carried out in action, there would be no wrong or violence any more; but Wisdom, and Truth, and Love, would reign upon the earth.

After the oration, the Suffrage Glee Club sang a spirited song, and then the State Committee presented their Report and Resolutions, which were adopted unanimously. The meeting was addressed by several gentlemen, and the Convention adjourned to the call of the State Committee. The revolutionary soldiers, thirty in number, then proceeded to the City Hotel, with all those who chose to mingle in the festivities of that occasion. The State Committee sent forth an Address to the People of the State, a copy of which was transmitted to each member of the General Assembly, and to each of the Editors of Newspapers in the State, requesting them to insert the same gratuitously, in their several Journals. The State Committee also, after making their Re-

port, in which the belief of the good Cause being in a state of progress was expressed, presented to the Convention several very important resolutions.

Will not future generations believe that the Rhode Islanders must have been an incomparably wise and great people, when they reflect that "the mob," "the rabble," the very "froth and foam of society," were capable of acts and resolutions, such as were presented at that Convention? And should the actions and sentiments of the *wisest*, and the *greatest*, be then called for, how would be the climax, crowned, or *inverted*? It is a blessed thought that man, though he compel into his service the force of LEGION, cannot annihilate a single ray of truth. Whatever is true and good, will live, for only such has life. Whatever is right, will finally prevail, and nothing else.

CHAPTER VI.

THE PEOPLE'S CONSTITUTION.

IT has often been said by our opposers, that they *had no objection to a change of government*, provided it be done LEGALLY — that is, by themselves — contrary to their own selfish interests, and long-settled determination. Let me ask by what law these United States, then British Colonies, threw off the yoke, and abrogated the law of their rightful sovereign? By what, but the indestructible law of Nature, written intelligibly within their own souls? a law which is legible in the erect bearing and upward visage of man — by which he proves himself invested with a right, which no despotism can destroy —

the right to participate in the government of the community of which he is a member? By what authority were the Articles of Confederation, and the Declaration of Independence framed? By what but the God-given authority of Reason in every man, which tells him that he has an inherent right to regulate all matters which affect his life, liberty, or happiness? By what right was the War of the Revolution prosecuted, but by the right of Manhood to be free? a war in which Rhode Island first poured out an offering of blood upon the altar of our young Liberty! And are we, alone, of all the people of this Union, to be defrauded of that right, which our Fathers bled to establish? Are we to be bond-slaves in this, the beautiful land of our nativity? It shall not be. Our course is onward. No one can arrest our progress, but by a direct violation of every principle which an American holds dear — of every principle which the Apostles of Freedom in all ages, and in every clime, have held sacred!

Such was the tone of question and of answer, which flashed like rays of light from a newly-discovered star, from heart to heart, and from soul to soul, as the men of Rhode Island, in their original and sovereign capacity, went forth to their great work — the framing of a State Constitution, which should be just and equal in all its provisions.

The State Committee issued this Call on the 24th of July. As the whole subsequent movement was based on the action of this Committee, I will insert the document entire.

STATE CONSTITUTION.

A CALL
TO THE PEOPLE OF RHODE ISLAND TO ASSEMBLE IN CONVENTION.

At a Mass Convention of the friends of Equal Rights and of a WRITTEN REPUBLICAN CONSTITUTION for this State, held at Newport, on the 5th day of May, 1841, the following persons

were appointed a STATE COMMITTEE for the furtherance of the cause, which the Convention had assembled to promote,—viz:—for

NEWPORT COUNTY,	CHARLES COLLINS, DUTEE J. PEARCE, SILAS SISSON.
PROVIDENCE,	SAMUEL H. WALES, BENJ. ARNOLD, JR., WELCOME B. SAYLES, HENRY L. WEBSTER, PHILIP B. STINESS, METCALF MARSH.
BTISTOL,	BENJ. M. BOSWORTH, SAMUEL S. ALLEN, ABIJAH LUCE.
KENT,	EMANUEL RICE, SILAS WEAVER, JOHN B. SHELDON.
WASHINGTON,	SYLVESTER HIMES, WAGER WEEDEN, CHARLES ALLEN.

The State Committee were directed "to carry forward the cause of Reform and Equal Rights, and to call a Convention of Delegates to draft a Constitution at as early a day as possible."

At an adjourned meeting of said Mass Convention held at Providence, on the 5th day of July, the instructions before given were reaffirmed; and the committee were directed to call a Convention of the People, on the basis of the Resolutions passed at Newport, "at an early day, for the formation of a CONSTITUTION."

Pursuing these instructions, the Committee held a meeting at Providence, on the 20th of July, and in conformity with the Eleventh Resolution adopted at Newport, which prescribes the call of a Convention of the People at large, to be represented in PROPORTION TO POPULATION, passed unanimously the following Resolutions, for the CALL of a POPULAR CONVENTION.

Voted, That we proceed to issue a CALL for the election of DELEGATES, to take place on the LAST SATURDAY in August, (the 28th day,) to attend a CONVENTION to be holden at the STATE HOUSE in PROVIDENCE, on the FIRST MONDAY in OCTOBER, (the 4th day,) for framing a CONSTITUTION to be laid before the People for their adoption.

Voted, That every American male citizen, twenty-one years of age and upwards, who has resided in this State one year, preceding the election of delegates, shall vote for Delegates to the Convention, called by the State Committee to be held at the State House in Providence on the first Monday in October next.

Voted, That every meeting holden for the election of Dele-

gates to the State Convention shall be organized by the election of a Chairman and Secretary, whose certificate shall be the authority required of the Delegates.

Voted, That each Town of *one thousand* inhabitants, or less, shall be entitled to one delegate, and for every additional thousand, one delegate shall be appointed; and the city of Providence shall elect three delegates from each Ward in the city.

Voted, That the Chairman and Secretary be directed to cause one thousand hand-bills to be printed and distributed through the State, containing the call for a Convention of Delegates.

Voted, That the proceedings of this meeting be signed by the Chairman and Secretary, and be published.

On motion, *Voted*, That this meeting stand adjourned to meet at this place on the first day of September, at 11 o'clock, A. M.

FELLOW CITIZENS — We have discharged our duty in the call of a CONVENTION of the WHOLE PEOPLE, to provide for the attainment and security of those invaluable rights, which have so long been withheld from them, and without which they are but subjects and slaves in a State only nominally Republican.

Depend upon it that a spirit has been awakened in this State, which cannot be intimidated or repressed — which has suffered long, until patience has ceased to be a virtue, and which, regarding the Republican institutions every where else enjoyed but here, and prompted by the memory of our venerable and patriotic ancestors, the first to assert the true principles of Religious and Political freedom, will brook no further delay, and which cannot be more appropriately expressed than when we say, in behalf of the great majority of the PLOPLE,

GIVE US OUR RIGHTS, or WE WILL TAKE THEM,

We ask for nothing that is not clearly right, and we are determined to submit to nothing so manifestly wrong as the corrupt and anti-republican system of government which has so long subsisted in Rhode Island by the forbearance of the People.

Bear in mind, that there is no CONSTITUTIONAL MODE of AMENDING our government, except by the People at large, in whom, as the successors to the King of England, the sovereign power resides, and remains unimpaired by any lapse of time, or toleration of past abuses.

That there is no BILL OF RIGHTS in this State, except that *granted* by the Legislature, and which they can at any moment resume and annul.

That the General Assembly is a body irresponsible to the majority of the People, restricted by no constitutional rule of action, virtually omnipotent — making and unmaking the People, doing and undoing what it pleases, according to its "especial grace, certain knowledge and mere motion," in imitation, upon a smaller scale, of the Monarchy of Great Britain.

That the SYSTEM of representation to this Assembly is also the

ROTTEN-BOROUGH system of Great Britain now partially reformed; by which system, in this State, a *third* of the *freemen*, and one-*ninth* of the *People* command the House of Representatives.

That, by reason of a landed qualification, which it is impossible for the great majority to obtain, *two-thirds* of the people are ousted of the birthright acquired for them by their fathers, and are governed, taxed, compelled to do military duty, and subjected in all respects to the will and pleasure of *one-third*, with the sole restriction, imposed by the Constitution of the United States.

Instead of enumerating other particulars, we only say — ☞ look at the history of Rhode Island legislation.

Fellow Citizens — It is these evils to which the great unenfranchised majority, acting in their *original*, *sovereign capacity*, propose and intend to apply an effectual remedy. We ask your aid and assistance in this good work. We respectfully urge upon you to assist in the election of delegates to the Popular Convention to be held in October next, not as the friends or opponents of any political party now existing in this State, but as the friends of Justice, of Humanity, of Liberty, of Equal Rights, of well regulated Constitutional Government.

Do not be deceived by the Freeholders' Convention called for November next. It is a gross fraud upon the people. The design of its originators was to crystalize in a stronger form the present statute provisions relating to suffrage, and to place them beyond the reach of amendment except by the hand of force.

Once more, we say to the unenfranchised mass of our brethren and fellow-citizens — your rights are in your own hands. Assert and vindicate them like men determined to be free. See to it that a meeting for the choice of delegates is duly held in every town, and that its proportional number is regularly elected. Summon your friends and neighbors to the work — and rely upon it that a CONSTITUTION framed by such a Convention, and SIGNED by a MAJORITY of the people, will be promptly acquiesced in by the MINORITY — will be vigorously sustained, and will become without delay, the undisputed, paramount law of our State.

Providence, *July* 24*th*, 1841.

By order and in behalf of the State Committee.

SAMUEL H. WALES, Chairman.

BENJAMIN ARNOLD, JR., Secretary.

In obedience to the above call, meetings were held in nearly all the towns in the State; and on the 28th of August the election of Delegates took place, they being divided into eleven committees, to which different departments of the great work were assigned. They were as follows:

No. 1. On *Declaration of Principles and Rights.* Ariel Ballou, Chairman.

No. 2. On *Electors, the Right of Suffrage, and Elections.* Thomas W. Dorr, Chairman.

No. 3. On the *Legislative Department.* John A. Brown, Chairman.

No. 4. On the *House of Representatives.* John R. Waterman, Chairman.

No. 5. On the *Senate.* Pardon Spencer, Chairman.

No. 6. On the *Executive Department.* David Daniels, Chairman.

No. 7. On the *Judiciary.* Samuel Y. Atwell, Chairman.

No. 8. On *Elections.* Oliver Chace, jr., Chairman.

No. 9. On *Amendments of the Constitution.* Welcome B. Sayles, Chairman.

No. 10. On *General Provisions.* Dutee J. Pearce, Chairman.

No. 11. On the *Meetings of the Legislature.* Joshua B. Rathbun, Chairman.

A large majority of the appointed Delegates assembled in Convention, at Providence, on the 4th day of October; and after having drafted the plan of a Constitution, they adjourned until the ensuing month, in order that the subject of their labors might be submitted to the test of public opinion, and freely canvassed by the people. The Convention reassembled in November, and after making several amendments, finally passed upon the Constitution, and on the 18th adjourned. The PEOPLE'S CONSTITUTION was submitted, for rejection or adoption, to the adult male population, who were citizens of the United States, and were permanent residents of the State, on Monday, the 27th of December, and the two succeeding days;* and on the 13th of January, 1842, the same was declared to be ADOPTED, by a very large majority.

* See People's Constitution, Article XIV.

Reserving all remarks for a future chapter, I proceed to lay before you the Instrument in question, that it may speak for itself.

CONSTITUTION

Of the State of Rhode Island and Providence Plantations, as finally adopted by the Convention of the People assembled at Providence, on the 18th day of November, 1841.

WE, The PEOPLE of the State of Rhode Island and Providence Plantations, grateful to Almighty God for his blessing vouchsafed to the "lively experiment" of Religious and Political Freedom here "held forth" by our venerable ancestors, and earnestly imploring the favor of his gracious Providence toward this our attempt to secure, upon a permanent foundation, the advantages of well ordered and rational Liberty, and to enlarge and transmit to our successors the inheritance that we have received, do ordain and establish the following CONSTITUTION of Government of this State.

ARTICLE I.

DECLARATION OF PRINCIPLES AND RIGHTS.

1. In the spirit and in the words of ROGER WILLIAMS, the illustrious Founder of this State, and of his venerated associates, WE DECLARE, "that this government shall be a DEMOCRACY," or government of the PEOPLE, "by the major consent" of the same, "ONLY IN CIVIL THINGS." The will of the people shall be expressed by Representatives freely chosen, and returning at fixed periods to their constituents. This State shall be, and forever remain, as in the design of its Founder, sacred to "SOUL LIBERTY," to the rights of conscience, to freedom of thought, of expression and of action, as hereinafter set forth and secured.

2. All men are created free and equal, and are endowed by their Creator with certain natural, inherent and inalienable Rights; among which are life, liberty, the acquisition of property, and the pursuit of happiness. Government cannot create or bestow these rights, which are the gift of god; but it is instituted for the stronger and surer defence of the same; that men may safely enjoy the rights of life and liberty, securely possess and transmit property, and, so far as laws avail, may be success ful in the pursuit of happiness.

3. A political power and sovereignty are originally vested in, and of right belong to the PEOPLE. All free governments are founded in their authority, and are established for the greatest good of the whole number. The PEOPLE have therefore an inalienable and indefeasible right, in their original, sovereign and unlimited capacity, to ordain and institute government, and, in

the same capacity, to alter, reform or totally change the same, whenever their safety or happiness requires.

4. No favor or disfavor ought to be shown in legislation toward any man, or party, or society, or religious denomination. The laws should be made not for the good of the few, but of the many; and the burdens of the State ought to be fully distributed among its citizens.

5. The diffusion of useful knowledge, and the cultivation of a sound morality, in the fear of God, being of the first importance in a Republican State, and indispensible to the maintenance of its liberties, it shall be an imperative duty of the Legislature to promote the establishment of Free Schools, and to assist in the support of Public Education.

6. Every person in this State ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which may be done to his rights of person, property or character. He ought to obtain right and justice freely and without purchase, completely and without denial, promptly and without delay, conformably to the laws.

7. The right of the people to be secure in their persons, houses, papers and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but on complaint in writing upon probable cause, supported by oath or affirmation, and describing, as nearly as may be, the place to be searched, and the person or things to be seized.

8. No person shall be held to answer to a capital or other infamous charge unless on indictment by a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger. No person shall be tried after an acquittal, for the same crime or offence.

9. Every man being presumed to be innocent, until pronounced guilty by the law, all acts of severity, that are not necessary to secure an accused person, ought to be repressed.

10. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted; and all punishments ought to be proportioned to the offence.

11. All prisoners shall be bailable upon sufficient surety, unless for capital offences, when the proof is evident, or the presumption great. The privilege of the writ of Habeas Corpus shall not be suspended, unless when, in cases of rebellion, or invasion, the public safety shall require it.

13. In all criminal prosecutions, the accused shall have the privilege of a speedy and public trial, by an impartial jury; be informed of the nature and cause of the accusation; be confronted with the witnesses against him; have compulsory process to obtain them in his favor, and at the public expense, when necessary; have the assistance of counsel in his defence, and be at liberty to speak for himself. Nor shall he be deprived of his life,

liberty or property unless by the judgment of his peers, or the law of the land.

13. The right of trial by jury, shall remain inviolate; and in all criminal cases the jury shall judge both of the law and of the facts.

14. Any person in this State, who may be claimed, to be held to labor or service, under the laws of any other State, territory, or district, shall be entitled to a jury trial, to ascertain the validity of such claim.

15. No man in a Court of common law shall be required to criminate himself.

16. Retrospective laws, civil and criminal, are unjust and oppressive, and shall not be made.

17. The People have a right to assemble in a peaceable manner, without molestation or restraint, to consult upon the public welfare; a right to give instructions to their Senators and Representatives; and a right to apply to those invested with the powers of Government for redress of grievances, for the repeal of injurious laws, for the correction of faults of administration, and for all other purposes.

18. The liberty of the Press being essential to the security of freedom in a State, any citizen may publish his sentiments on any subject, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, spoken from good motives and for justifiable ends, shall be a sufficient defence to the person charged.

19. Private property shall not be taken for public uses without just compensation; nor unless the public good require it; nor under any circumstances, until compensation shall have been made, if required.

20. The military shall always be held in strict subordination to the civil authority.

21. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war but in manner to be prescribed by law.

22. Whereas Almighty God hath created the mind free, and all attempts to influence it by temporal punishments, or burdens, or by civil incapacitations, tend to beget habits of hypocrisy and meanness; and whereas a principal object of our venerated ancestors in their migration to this country, and their settlement of this State, was, as they expressed it, to hold forth a lively experiment, that a flourishing civil State may stand, and be best maintained, with full liberty in religious concernments. We, therefore DECLARE, that no man shall be compelled to frequent, or support any religious worship, place or ministry whatsoever, nor be enforced, restrained, molested, or burdened in his body or goods, nor disqualified from holding any office, nor otherwise suffer on account of his religious belief; and that all men shall

be free to profess, and by argument to maintain, their opinions in matters of religion; and that the same shall in no wise diminish, enlarge or affect their civil capacities; and that all other religious rights and privileges of the people of this State, as now enjoyed, shall remain inviolate and inviolable.

23. No witness shall be called in question before the Legislature, nor in any Court of this State, nor before any magistrate, or other person, authorised to administer an oath, or affirmation, for his or her religious belief, or opinions, or any part thereof; and no objection to a witness, on the ground of his or her religious opinions, shall be entertained or received.

24. The citizens shall continue to enjoy and freely exercise all the rights of fishery, and privileges of the shore, to which they have been heretofore entitled under the charter and usages of this State.

25. The enumeration of the foregoing rights shall not be construed to impair or deny others retained by the people.

ARTICLE II.

OF ELECTORS AND THE RIGHT OF SUFFRAGE.

1. Every white male citizen of the United States, of the age of twenty-one years, who has resided in this State for one year, and in any town, city, or district of the same for six months, next preceding the election at which he offers to vote, shall be an elector of all officers, who are elected, or may hereafter be made eligible by the People. But persons in the military, naval, or marine service of the United States shall not be considered as having such established residence, by being stationed in any garrison, barrack, or military place, in any town or city in this State.

2. Paupers and persons under guardianship, insane, or lunatic are excluded from the electoral right; and the same shall be forfeited on conviction of bribery, forgery, perjury, theft, or other infamous crime; and shall not be restored unless by an act of the General Assembly.

3. No person, who is excluded from voting, for want of the qualification first named in section first of this article, shall be taxed, or be liable to do military duty; provided that nothing in said first article shall be so construed as to exempt from taxation any property or persons now liable to be taxed.

4. No elector who is not possessed of, and assessed for rateable property in his own right, to the amount of one hundred and fifty dollars, or who shall have neglected, or refused to pay any tax assessed upon him, in any town, city, or district, for one year preceding the town, city, ward, or district meeting at which he shall offer to vote, shall be entitled to vote on any question of taxation, or the expenditure of any public moneys in such town, city, or district, until the same be paid.

5. In the city of Providence, and other cities, no person shall be eligible to the office of mayor, alderman, or common council man, who is not taxed, or who shall have neglected or refused to pay his tax, as provided in the preceding section.

6. The voting for all officers chosen by the People, except town or city officers, shall be by ballot; that is to say, by depositing a written or printed ticket in the ballot box, without the name of the voter written thereon. Town or city officers shall be chosen by ballot, on the demand of any two persons entitled to vote for the same.

7. There shall be a strict registration of all qualified voters in the towns and cities of the State; and no person shall be permitted to vote, whose name has not been entered upon the list of voters before the polls are opened.

8. The General Assembly shall pass all necessary laws for the prevention of fraudulent voting by persons not having an actual, permanent residence, or home, in the State, or otherwise disqualified according to this Constitution; for the careful registration of all voters, previously to the time of voting; for the prevention of frauds upon the ballot box; for the preservation of the purity of elections; and for the safe-keeping and accurate counting of the votes; to the end that the will of the People may be freely and fully expressed, truly ascertained and effectually exerted, without intimidation, suppression, or unnecessary delay.

9. The electors shall be exempted from arrest on days of election, and one day before, and one day after the same, except in cases of treason, felony, or breach of the peace.

10. No person shall be eligible to any office by the votes of the People, who does not possess the qualifications of an elector.

ARTICLE III.

OF THE DISTRIBUTION OF POWERS.

1. The powers of the Government shall be distributed into three departments, the Legislative, the Executive and the Judicial.

2. No person or persons connected with one of these departments shall exercise any of the powers belonging to either of the others, except in cases hereing directed or permitted.

ARTICLE IV.

OF THE LEGISLATIVE DEPARTMENT.

1. The Legislative power shall be vested in two distinct Houses, the one to be called the House of Representatives, the other the Senate, and both together the General Assembly. The concurrent votes of the two Houses shall be necessary to the enactment of laws: and the style of their laws shall be — Be it enacted by the General Assembly, as follows.

2. No member of the General Assembly shall be eligible to any

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civil office under the authority of the State during the term for which he shall have been elected.

3. If any Representative, or Senator, in the General Assembly of this State shall be appointed to any office under the Government of the United States, and shall accept the same, after his election as such Senator or Representative, his seat shall thereby become vacant.

4. Any person who holds an office under the Government of the United States, may be elected a member of the General Assembly, and may hold his seat therein, if at the time of taking his seat he shall have resigned said office, and shall declare the same on oath, or affirmation, if required.

5. No member of the General Assembly shall take any fees, be of counsel, or act as advocate in any case pending before either branch of the General Assembly, under penality of forfeiting his seat, upon due proof thereof.

6. Each House shall judge of the election and qualifications of its members; and a majority of all the members of each House, whom the towns and senatorial districts are entitled to elect, shall constitute a quorum to do business; but a smaller number may adjourn, from day to day, and may compel the attendance of absent members, in such a manner, and under such penalties as each House may have previously described.

7. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of the members elected, expel a member; but not a second time for the same cause.

8. Each House shall keep a journal of its proceedings, and publish the same when required by one-fifth of its members. The yeas and nays of the members of either House, shall, at the desire of any five members present, be entered on the journal.

9. Neither House shall, without the consent of the other, adjourn for more than two days, nor to any other place than that at which the General Assembly is holding its session.

10. The Senators and Representatives shall, in all cases of civil process, be privileged from Arrest, during the session of the General Assembly, and for two days before the commencement, and two days after the termination of any session thereof. For any speech in debate in either House, no member shall be called in question in any other place.

11. The civil and military officers, heretofore elected in grand committee, shall hereafter be elected annually by the Generally Assembly, in joint committee, composed of the two Houses of the General Assembly, excepting as is otherwise provided in this Constitution; and excepting the captains and subalterns of the militia, who shall be elected by the ballots of the members composing their respective companies, in such manner as the General Assembly may prescribe: and such officers, so elected, shall be

approved of and commissioned by the Governor, who shall determine their rank; and if said companies shall neglect or refuse to make such elections, after being duly notified, then the Governor shall appoint suitable persons to fill such offices.

12. Every bill and every resolution requiring the concurrence of the two Houses (votes of adjournment excepted) which shall have passed both Houses of the General Assembly, shall be presented to the Governor for his revision. If he approves of it, he shall sign and transmit the same to the Secretary of State; but if not, he shall return it to the House in which it shall have originated, with his objections thereto, which shall be entered at large on their journal. The House shall then proceed to reconsider the bill; and if, after such reconsideration, that House shall pass it, by a majority of all the members elected, it shall be sent, with the objections, to the other House, which shall also reconsider it; and if approved by that House, by a majority of all the members elected, it shall become a law. If the bill shall not be returned by the Governor within forty-eight hours, (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall not be a law.

13. There shall be two sessions of the General Assembly in every year; one session to be held at Newport, on the first Tuesday of June, for the organization of the government, the election of officers, and for other business; and one other session on the first Tuesday of January, to be held at Providence, in the first year after the adoption of this Constitution, and in every second year thereafter. In the intermediate years, the January session shall be forever hereafter held in the counties of Washington, Kent, or Bristol, as the General Assembly may determine, before their adjournment in June.

ARTICLE V.

OF THE HOUSE OF REPRESENTATIVES.

1. The House of Representatives shall consist of members chosen by the electors in the several towns and cities, in their respective town and ward meetings annually.

2. The Towns and Cities shall severally be entitled to elect members, according to the apportionment which follows, viz: — Newport to elect five; Warwick, four; Smithfield, five; Cumberland, North Providence and Scituate, three; Portsmouth, Westerly, New Shoreham, North Kingstown, South Kingstown, East Greenwich, Glocester, West Greenwich, Coventry, Exeter, Bristol, Tiverton, Little Compton, Warren, Richmond, Cranston, Charlestown, Hopkinton, Johnston, Foster and Burrillville, to elect two; and Jamestown, Middletown and Barrington, to elect one.

3. In the city of Providence there shall be six Representative Districts, which shall be the six wards of said city. And the electors resident in said districts, for the term of three months, next preceding the election at which they offer to vote, shall be entitled to elect two Representatives for each district.

4. The General Assembly, in case of great inequality in the population of the wards of the city of Providence, may cause the boundaries of the six Representative districts therein to be so altered as to include in each district, as nearly as may be, an equal number of inhabitants.

5. The House of Representatives shall have authority to elect their own Speaker, clerks and other officers. The oath of office shall be administered to the Speaker by the Secretary of State, or, in his absence, by the Attorney General.

6. Whenever the seat of a member of the House of Representatives shall be vacated by death, resignation, or otherwise, the vacancy may be filled by a new election.

ARTICLE VI.

OF THE SENATE.

1. The State shall be divided into twelve Senatorial Districts; and each district shall be entitled to one Senator, who shall be annually chosen by the electors in his district.

2. The first, second and third Representative Districts in the City of Providence shall constitute the first Senatorial District; the fourth, fifth and sixth Representative Districts in said City the second District; the Town of Smithfield the third District; the Towns of North Providence and Cumberland the fourth District; the Towns of Scituate, Glocester, Burrillville and Johnston, the fifth District: the Towns of Warwick and Cranston the sixth District; the Towns of East Greenwich, West Greenwich, Coventry and Foster, the seventh District; the towns of Newport, Jamestown, and New Shoreham, the eight District; the towns of Portsmouth, Middletown, Tiverton and Little Compton the ninth District; the towns of North Kingstown and South Kingstown the tenth District; the towns of Westerly, Charlestown, Exeter, Richmond and Hopkinton, the eleventh District; the towns of Bristol, Warren and Barrington, the twelfth District.

3. The Lieutenant Governor shall be, by virtue of his office, President of the Senate; and shall have a right, in case of an equal division, to vote in the same; and also to vote in joint committee of the two Houses.

4. When the Government shall be administered by the Lieutenant Governor, or he shall be unable to attend as President of the Senate, the Senate shall elect one of their own members President of the same.

5. Vacancies in the Senate occasioned by death, resignation, or otherwise, may be filled by a new election.

6. The Secretary of State shall be, by virtue of his office, Secretary of the Senate.

ARTICLE VII.

OF IMPEACHMENTS.

1. The House of Representatives shall have the sole power of impeachment.

2. All impeachments shall be tried by the Senate; and when sitting for that purpose they shall be on oath or affirmation. No person shall be convicted except by vote of two-thirds of the members elected. When the Governor is impeached, the Chief Justice of the Supreme Court shall preside, with a casting vote in all preliminary questions.

3. The Governor, and all other Executive and Judicial officers, shall be liable to impeachment; but judgments in such cases shall not extend further than removal from office. The party convicted shall nevertheless be liable to indictment, trial and punishment, according to law.

ARTICLE VIII.

OF THE EXECUTIVE DEPARTMENT.

1. The Chief Executive power of this State shall be vested in a Governor, who shall be chosen by the electors, and shall hold his office for one year, and until his successor be duly qualified.

2. No person holding any office or place under the United States, this State, any other of the United States, or any foreign Power, shall exercise the office of Governor.

3. He shall take care that the laws are faithfully executed.

4. He shall be commander-in-chief of the military and naval forces of the State, except when called into the actual service of the United States; but he shall not march nor convey any of the citizens out of the State without their consent, or that of the General Assembly, unless it shall become necessary in order to march or transport them from one part of the State to another, for the defence thereof.

5. He shall appoint all civil and military officers, whose appointment is not by this Constitution, or shall not, by law, be otherwise provided for.

6. He shall, from time to time, inform the General Assembly of the condition of the State; and recommend to their consideration such measures as he may deem expedient.

7. He may require from any military officer, or any officer in the executive department, information upon any subject relating to the duties of his office.

8. He shall have power to remit forfeitures and penalties, and

to grant reprieves, commutation of punishments, and pardons after conviction, except in cases of impeachment.

9. The Governor shall, at stated times, receive for his services a compensation, which shall not be increased, nor diminished, during his continuance in office.

10. There shall be elected, in the same manner as is provided for the election of Governor, a Lieutenant Governor, who shall continue in office for the same term of time. Whenever the office of Governor shall become vacant by death, resignation, removal from office or otherwise, the Lieutenant Governor shall exercise the office of Governor, until another Governor shall be duly qualified.

11. Whenever the offices of Governor and Lieutenant Governor shall both become vacant, by death, resignation, removal from office, or otherwise, the President of the Senate shall exercise the office of Governor, until a Governor be duly qualified; and should such vacancy occur during a recess of the General Assembly, and there be no President of the Senate, the Secretary of State shall, by proclamation, convene the Senate, that a President may be chosen to exercise the office of Governor.

12. Whenever the Lieutenant Governor, or President of the Senate shall exercise the office of Governor, he shall receive the compensation of Governor only; and his duties as President of the Senate shall cease while he shall continue to act as Governor; and the Senate shall fill the vacancy by an election from their own body.

13. In case of a disagreement between the two Houses of the General Assembly respecting the time or place of adjournment, the person exercising the office of Governor may adjourn them to such time or place as he shall think proper; provided, that the time of adjournment shall not be extended beyond the first day of the next stated session.

14. The person exercising the office of Governor may, in cases of special necessity, convene the General Assembly at any town, or city, in this State, at any other time than herein before provided. And, in case of danger, from the prevalence of epidemic or contagious diseases, or from other circumstances, in the place, in which the General Assembly are next to meet, he may, by proclamation, convene the Assembly at any other place within the State.

15. A Secretary of State, a General Treasurer, and an Attorney General shall also be chosen annually, in the same manner and for the same time as is herein provided respecting the Governor. The duties of these offices shall be the same as are now or may hereafter be prescribed by law. Should there be a failure to choose either of them, or should a vacancy occur in either of their offices, the General Assembly shall fill the place by an election in joint committee.

16. The electors in each county shall, at the annual elections, vote for an inhabitant of the county to be sheriff of said county, for one year, and until a successor be duly qualified. In case no person shall have a majority of the electoral votes of his county for Sheriff, the General Assembly, in joint committee, shall elect a Sheriff from the two candidates, who shall have the greatest number of votes in such county.

17. All commissions shall be in the name of the State of Rhode Island and Providence Plantations, sealed with the seal of the State, and attested by the Secretary.

ARTICLE IX.

GENERAL PROVISIONS.

1. This Constitution shall be the supreme law of the State; and all laws contrary to, or inconsistent with the same, which may be passed by the General Assembly, shall be null and void.

2. The General Assembly shall pass all necessary laws for carrying this constitution into effect.

3. The Judges of all the Courts, and all other officers, both civil and military, shall be bound by oath or affirmation, to the due observance of this Constitution, and of the Constitution of the United States.

4. No jurisdiction shall hereafter be entertained by the General Assembly in cases of insolvency, divorce, sale of real estate of minors, or appeal from judicial decisions, nor in any other matters appertaining to the jurisdiction of Judges, and Courts of law. But the General Assembly shall confer upon the Courts of the State all necessary powers for affording relief in the cases herein named; and the General Assembly shall exercise all other jurisdiction and authority, which they have heretofore entertained, and which is now prohibited by, or repugnant to this Constitution.

5. The General Assembly shall, from time to time, cause estimates to be made of the ratable property of the State, in order to the equitable apportionment of State taxes.

6. Whenever a direct tax is laid by the State, one-sixth part thereof shall be assessed on the polls of the qualified electors; provided that the tax on a poll shall never exceed the sum of fifty cents, and that all persons who actually perform military duty, or duty in the fire department, shall be exempted from said poll tax.

7. The General Assembly shall have no power hereafter to incur State debts, to an amount exceeding the sum of Fifty Thousand dollars, except in time of war, or in case of invasion, without the express consent of the People. Every proposition for such increase shall be submitted to the electors, at the next annual election, or on some day to be set apart for that purpose; and shall not be farther entertained by the General Assembly, unless it receive the votes of a majority of all the persons voting. This section shall not be construed to refer to any money that

now is, or hereafter may be, deposited with this State by the General Government.

8. The assent of two-thirds of the members elected to each House of the General Assembly, shall be requisite to every bill appropriating the public moneys, or property, for local or private purposes; or for creating, continuing, altering or renewing any body politic or corporate, banking corporations excepted.

9. Hereafter, when any bill creating, continuing altering or renewing any banking corporation, authorised to issue its promissory notes for circulation shall pass the two Houses of the General Assembly, instead of being sent to the Governor, it shall be referred to the electors for their consideration, at the next annual election, or on some day to be set apart for that purpose, with printed tickets, containing the question, shall said bill (with a brief description thereof) be approved, or not; and if a majority of the electors voting shall vote to approve said bill, it shall become a law, otherwise not.

10. All grants of incorporation shall be subject to future acts of the General Assembly, in amendment or repeal thereof, or in any wise affecting the same, and this provision shall be inserted in all acts of incorporation hereafter granted.

11. The General Assembly shall exercise, as heretofore, a visitorial power over corporations. Three Bank Commissioners shall be chosen at the June session for one year, to carry out the powers of the General Assembly in this respect. And Commissioners for the visitation of other corporations, as the General Assembly may deem expedient, shall be chosen at the June session for the same term of office.

12. No city council, or other government, in any city, shall have power to vote any tax upon the inhabitants thereof, excepting the amount necessary to meet the ordinary public expenses in the same, without first submitting the question of an additional tax, or taxes, to the electors of said city; and a majority of all who vote shall determine the question. But no elector shall be entitled to vote, in any city, upon any question of taxation thus submitted, unless he shall be qualified by the possession in his own right, of ratable property to the amount of one hundred and fifty dollars, and shall have been assessed thereon to pay a city tax, and shall have paid the same, as provided in section fourth of Article II. Nothing in that article shall be so construed as to prevent any elector from voting for town officers, and, in the city of Providence, and other cities, for mayor, aldermen, and members of the common council.

13. The General Assembly shall not pass any law, nor cause any act nor thing to be done, in any way to disturb any of the owners or occupants of land in any territory now under the jurisdiction of any other State, or States, the jurisdiction whereof may be ceded to, or decreed to belong to this State; and the in-

habitants of such territory shall continue in the full, quiet and undisturbed enjoyment of their title to the same, without interference in any way on the part of this State.

ARTICLE X.

OF ELECTIONS.

1. The election of the Governor, Lieutenant Governor, Secretary of State, General Treasurer, Attorney General, and also of Senators and Representatives to the General Assembly, and of Sheriffs, of the counties, shall be held on the third Wednesday of April, annually.

2. The names of the persons voted for as Governor, Lieutenant Governor, Secretary of State, General Treasurer, Attorney General and Sheriffs of the respective counties, shall be put upon one ticket; and the tickets shall be deposited by the electors in a box by themselves. The names of the persons voted for as Senators, and as Representatives shall be put upon separate tickets, and the tickets shall be deposited in separate boxes. The polls for all the officers named in this section shall be opened at the same time.

3. All the votes given for Governor, Lieutenant Governor, Secretary of State, General Treasurer, Attorney General, Sheriffs, and also for Senators shall remain in the ballot boxes till the polls be closed. These votes shall then, in open town and ward meetings, and in the presence of at least ten qualified voters, be taken out and sealed up, in separate envelops, by the moderators and town clerks, and by the wardens and ward clerks, who shall certify the same, and forthwith deliver or send them to the Secretary of State, whose duty it shall be securely to keep the same, and to deliver the votes for State Officers and Sheriffs to the Speaker of the House of Representatives, after the House shall be organised, at the June Session of the General Assembly. The votes last named shall, without delay, be opened, counted and declared, in such manner as the House of Representatives shall direct; and the oath of office shall be administered to the persons who shall be declared to be elected, by the Speaker of the House of Representatives, and in the presence of the House; provided that the Sheriffs may take their engagement before a Senator, Judge or Justice of the Peace. The votes for Senator shall be counted by the Governor and Secretary of State, within seven days from the day of election; and the Governor shall give certificates to the Senators who are elected.

4. The boxes containing the votes for Representatives to the General Assembly in the several towns shall not be opened till the polls for Representatives are declared to be closed. The votes shall then be counted by the moderator and clerk, who shall announce the result, and give certificates to the persons elected. If there be no election, or not an election of the whole

number of Representatives, to which the town is entitled, the polls for Representatives may be re-opened, and the like proceedings shall be had, until an election shall take place; provided, however, that an adjournment of the election may be made to a time not exceeding seven days from the first meeting.

5. In the city of Providence, and other cities, the polls for Representatives shall be kept open during the whole time of voting for the day; and the votes in the several wards shall be sealed up, at the close of the meeting by the wardens and ward clerks, in the presence of at least ten qualified electors, and delivered to the city clerks. The mayor and aldermen of said city, or cities shall proceed to count said votes within two days from the day of election; and if no election, or an election of only a portion of the Representatives, whom the Representative Districts are entitled to elect, shall have taken place, the mayor and aldermen shall order a new election, to be held not more than ten days from the day of the first election; and so on till the election of Representatives shall be completed. Certificates of election shall be furnished to the persons chosen by the city clerks.

6. If there be no choice of a Senator, or Senators, at the annual election, the Governor shall issue his warrant to the town and ward clerks of the several towns and cities, in the Senatorial District or Districts, that may have failed to elect, requiring them to open town or ward meetings for another election, on a day not more than fifteen days beyond the time of counting the votes for Senators. If, on the second trial there shall be no choice of a Senator, or Senators, the Governor shall certify the result to the Speaker of the House of Representatives; and the House of Representatives, and as many Senators as shall have been chosen, shall forthwith elect, in joint committee, a Senator or Senators, from the two candidates, who may receive the highest number of votes in each district.

7. If there be no choice of Governor, at the annual election, the Speaker of the House of Representatives shall issue his warrant to the clerks of the several towns and cities, requiring them to notify town and ward meetings for another election, on a day to be named by him, not more than thirty, nor less than twenty days beyond the time of receiving the report of the committee of the House of Representatives, who shall count the votes for Governor. If, on this second trial there shall be no choice of a Governor, the two Houses of the General Assembly shall, at their next session, in joint committee, elect a Governor from the two candidates having the highest number of votes, to hold his office for the remainder of the political year, and until his successor be duly qualified.

8. If there be no choice of Governor and Lieutenant Governor at the annual election, the same proceedings for the choice of a Lieutenant Governor shall be had as are directed in the preceding

section; provided, that the second trial for the election of Governor and Lieutenant Governor shall be on the same day; and also provided, that, if the Governor shall be chosen at the annual election, and the Lieutenant Governor shall not be chosen, then the last named officer shall be elected in joint committee of the two Houses, from the two candidates having the highest number of votes, without a further appeal to the electors. The Lieutenant Governor, elected as is provided in this section, shall hold his office as is provided in the preceeding section respecting the Governor.

9. All town, city, and ward meetings for the choice of Representatives, Justices of the Peace, Sheriffs, Senators, State Officers, Representatives to Congress, and Electors of President and Vice President, shall be notified by the town, city, and ward clerk, at least seven days before the same are held.

10. In all elections held by the people under this Constitution, a majority of all the electors voting shall be necessary to the choice of the person or persons voted for.

11. The oath, or affirmation, to be taken by all the officers named in this article, shall be the following. You, being elected to the place of Governor, Lieutenant Governor, Secretary of State, General Treasurer, Attorney General, or to the places of Senators or Representatives, or to the office of Sheriff or Justice of the Peace, do solemnly swear, or severally solemnly swear, or affirm, that you will be true and faithful to the State of Rhode Island and Providence Plantations, and that you will support the Constitution thereof; that you will support the Constitution of the United States, and that you will faithfully and impartially discharge the duties of your aforesaid office, to the best of your abilities and understanding—so help you God! or, this affirmation you make and give upon the peril of the penalty of perjury.

ARTICLE XI.

OF THE JUDICIARY.

1. The Judicial power of this State shall be vested in one Supreme Court, and in such other Courts, inferior to the Supreme Court, as the Legislature may, from time to time, ordain and establish; and the jurisdiction of the Supreme and of all other Courts, may, from time to time, be regulated by the General Assembly.

2. Chancery powers may be conferred on the Supreme Court; but no other Court exercising chancery powers shall be established in this State, except as is now provided by law.

3. The Justices of the Supreme Court shall be elected in joint committee of the two Houses, to hold their offices for one year, and until their places be declared vacant by a resolution to that effect, which shall be voted for by a majority of all the members elected to the House in which it may originate, and be concurred

in by the same vote of the other House, without revision by the Governor. Such resolution shall not be entertained at any other than the annual session for the election of public officers: and, in default of the passage thereof at the said session, the Judge, or Judges, shall hold his or their place or places for another year. But a Judge of any Court shall be removable from office, if, upon impeachment, he shall be found guilty of any official misdemeanor.

4. In case of vacancy by the death, resignation, refusal, or inability to serve, or removal from the State of a Judge of any Court, his place may be filled by the joint committee, until the next annual election; when, if elected, he shall hold his office as herein provided.

5. The Justices of the Supreme Court shall receive a compensation, which shall not be diminished during their continuance in office.

6. The Judges of the Courts inferior to the Supreme Court shall be annually elected in joint committee of the two Houses, except as herein provided.

7. There shall be annually elected by each town, and by the several wards in the city of Providence, a sufficient number of Justices of the Peace, or Wardens, resident therein, with such jurisdiction as the General Assembly may prescribe. And said Justices, or Wardens, (except in the towns of New Shoreman and Jamestown) shall be commissioned by the Governor.

8. The General Assembly may provide, that Justices of the Peace, who are not re-elected, may hold their offices for a time not exceeding ten days beyond the day of the annual election of these officers.

9. The Courts of Probate in this State, except the Supreme Court, shall remain as at present established by Law, until the General Assembly shall otherwise prescribe.

ARTICLE XII.

OF EDUCATION.

1. All moneys which now are, or may hereafter be appropriated, by the authority of the State, to public education, shall be securely invested, and remain a perpetual fund for the maintenance of free Schools in this State; and the General Assembly are prohibited from diverting said moneys, or fund, from this use and from borrowing, appropriating, or using the same, or any part thereof, for any other purpose, or under any pretence whatsoever. But the income derived from said moneys, or fund, shall be annually paid over, by the General Treasurer, to the towns and cities of the State, for the support of said schools, in equitable proportions; provided, however, that a portion of said income may, in the discretion of the General Assembly, be added to the principal of said fund.

2. The several towns and cities shall faithfully devote their portions of said annual distribution to the support of Free Schools; and, in default thereof, shall forfeit their shares of the same to the increase of the fund.

3. All charitable donations for the support of Free Schools, and other purposes of Public Education, shall be received by the General Assembly, and invested, and applied agreeably to the terms prescribed by the donors; provided the same be not inconsistent with the Constitution, or with sound public policy; in which case the donation shall not be received.

ARTICLE XIII.

AMENDMENTS.

The General Assembly may propose amendments to this Constitution by the vote of a majority of all the members elected to each House Such propositions shall be published in the newspapers of the State; and printed copies of such propositions shall be sent by the Secretary of State, with the names of all the members who shall have voted thereon, with the yeas and nays, to all the town and city clerks in the State; and the said propositions shall be by said clerks inserted in the notices, by them issued, for warning the next annual town and ward meetings in April, and the town and ward clerks shall read said propositions to the electors when thus assembled, with all the names of all the Representatives and Senators who shall have voted thereon, with the yeas and nays, before the election of Representatives and Senators shall be had. If a majority of all the members elected at said annual meetings, present in each House, shall approve any proposition thus made, the same shall be published, as before provided, and then sent to the electors in the mode provided in the act of approval; and, if then approved by a majority of the electors who shall vote in town and ward meetings, to be specially convened for that purpose, it shall become a part of the Constitution of the State.

ARTICLE XIV.

ON THE ADOPTION OF THE CONSTITUTION.

1. This Constitution shall be submitted to the People, for their adoption or rejection, on Monday, the 27th day of December next, and on the two succeeding days; and all persons voting are requested to deposit in the ballot-box printed or written tickets in the following form: — I am an American citizen, of the age of twenty-one years, and have my permanent residence or home in this State. I am, (or not) qualified to vote under the existing laws of this State. I vote for (or against) the Constitution formed by the Convention of the People, assembled at Providence, and which was proposed to the People by said Convention, on the 18th day of November, 1841.

2. Every voter is requested to write his name on the face of

his ticket; and every person, entitled to vote as aforesaid, who from sickness, or other causes, may be unable to attend and vote in the town or ward meeting, assembled for voting upon said Constitution, on the days aforesaid, is requested to write his name upon a ticket, and to obtain the signature upon the back of the same, as a person who has given his vote, as a witness thereto. And the Moderator, or Clerk of any town or ward meeting, convened for the purpose aforesaid, shall receive such vote, on either of the three days next succeeding the three days before named for voting on said Constitution.

3. The citizens of the several towns in this State, and of the several wards in the city of Providence, are requested to hold town and ward meetings on the days appointed, and for the purpose aforesaid; and also to choose in each town, and ward, a Moderator and Clerk, to conduct said meetings and receive the votes.

4. The Moderators and Clerks are required to receive and carefully to keep the votes of all persons qualified to vote as aforesaid, and to make registers of all the persons voting; which, together with the tickets given in by the voters, shall be sealed up, and returned by said moderators and clerks, with certificates signed and sealed by them, to the clerks of the Convention of the People, to be by them safely deposited and kept, and laid before said Convention, to be counted and declared, at their next adjourned meeting on the 12th day of January, 1842.

5. This Constitution, except so much thereof as relate to the election of the officers named in the sixth section of this article, shall, if adopted, go into operation on the first Tuesday in May, in the year one thousand eight hundred and forty-two.

6. So much of the Constitution as relates to the election of officers named in this section, shall go into operation on the Monday before the third Wednesday of April next preceeding. The first election under this Constitution of Governor, Lieutenant Governor, Secretary of State, General Treasurer, and Attorney General, of Senators and Representatives, of Sheriffs for the several counties, and of Justices of the Peace for the several towns, and the Wards of the city of Providence, shall take place on the Monday aforesaid.

7. The electors of the several towns and wards are authorised to assemble on the day aforesaid, without being notified as is provided in section ninth of Article X, and without the registration required in section seventh of Article II, and to choose moderators and clerks, and proceed in the election of the officers named in the preceeding section.

8. The votes given in at the first election for Representatives to the General Assembly, and for Justices of the Peace, shall be counted by the moderators and clerks of the towns, and wards, chosen as aforesaid; and certificates of election shall be furnished by them to the Representatives and Justices of the Peace elected,

9. Said moderators and clerks shall seal up, certify, and transmit to the House of Representatives all the votes that may be given in, at said first election, for Governor and State officers, and for Senators and Sheriffs; and the votes shall be counted as the House of Representatives may direct.

10. The Speaker of the House of Representatives shall, at the first session of the same, qualify himself to administer the oath of office to the members of the House, and to other officers, by taking and subscribing the same oath in presence of the House.

11. The first session of the General Assembly shall be held in the city of Providence, on the first Tuesday of May, in the year one thousand eight hundred and forty-two, with such adjournments as may be necessary; but all other sessions shall be held as is provided in Articles IV of this Constitution.

12. If any of the Representatives whom the towns, or districts, are entitled to choose, at the first annual election aforesaid, shall not be then elected, or if their places shall become vacant during the year, the same proceedings may be had to complete the election, or to supply vacancies, as are directed concerning elections in the preceding sections of this article.

13. If there shall be no election of Governor or Lieutenant Governor, or of both of these officers, or of a Senator or Senators, at the first annual election, the House of Representatives, and as many Senators as are chosen, shall forthwith elect, in joint committee, a Governor, or Lieutenant Governor, or both, or a Senator or Senators, to hold their officers for the remainder of the political year, and, in the case of the two officers first named, until their successors shall be duly qualified.

14. If the number of Justices of the Peace determined by the several towns and wards on the day of the first annual election, shall not be then chosen, or if vacancies shall occur, the same proceedings shall be had as are provided for in this article in the case of a non-election of Representatives and Senators, or of vacancies in their officers. The Justices of the Peace thus elected, shall hold office for the remainder of the political year, or until the second annual election of Justices of the Peace, to be held on such day as may be prescribed by the General Assembly.

15. The Justices of the Peace elected in pursuance of the provisions of this Article may be engaged by the person acting as moderators of the town and ward meetings, as herein provided; and said Justices, after obtaining their certificates of election, may discharge the duties of their office, for a time not exceeding twenty days, without a commission from the Governor.

16. Nothing contained in this Article, inconsistent with any of the provisions of other Articles of the Constitution, shall continue in force for a longer period than the first political year under the same.

17. The present government shall exercise all the powers with

which it is now clothed, until the said first Tuesday of May, one thousand eight hundred and forty-two, and until their successors under this Constitution shall be duly elected and qualified.

18. All civil, judicial, and military officers now elected, or who shall hereafter be elected by the General Assembly, or other competent authority, before the said first Tuesday of May, shall hold their offices and may exercise their powers until that time.

19. All laws and statutes, public and private, now in force, and not repugnant to this Constitution, shall continue in force until they expire by their own limitation, or are repealed by the General Assembly. All contracts, judgments, actions, and rights of action, shall be as valid as if this Constitution had not been made. All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the State, as if this Constitution had not been made.

20. The Supreme Court, established by this Constitution, shall have the same jurisdiction as the Supreme Judicial Court at present established; and shall have jurisdiction of all causes which may be appealed to, or pending in the same; and shall be held at the same time and places, in each county, as the present Supreme Judicial Court, until the General Assembly shall otherwise prescribe.

21. The citizens of the town of New Shoreham shall be hereafter exempted from Military duty, and the duty of serving as jurors in the Courts of this State. The citizens of the town of Jamestown shall be foreever hereafter exempted from military field duty.

22. The General Assembly shall, at their first session after the adoption of this Constitution, propose to the electors the question, whether the word "white," in the first line of the first section of Article II of the Constitution shall be stricken out. The question shall be voted upon at the succeeding annual election; and if a majority of the electors voting shall vote to strike out the word aforesaid, it shall be stricken from the Constitution: otherwise not. If the word aforesaid shall be strickeu out, section 3d of Article II shall cease to be a part of the Constitution.

23. The President, Vice President, and Secretaries, shall certify and sign this Constitution, and cause the same to be published.

Done in Convention at Providence, on the 18th day of November, in the year one thousand eight hundred and forty-one, and of American Independence the sixty-sixth.

JOSEPH JOSLIN, *President of the Convention.*

WAGER WEEDEN, SAMUEL H. WALES. } *Vice Presidents.*

Attest:

WILLIAM H. SMITH, JOHN S. HARRIS, } *Secretaries.*

CHAPTER VII.

THE RIGHT OF CHANGE.

And while the events recorded in the last chapter were going on, the Chartists, also, were busy — not merely with their *own* business, but an under-current was set in motion, calculated to undermine the works of their neighbors, which they had begun to perceive they could not openly prostrate. Like certain *other* rulers, in a certain *other* place, they resolved;

> "Our better part remains
> To work in close disguise, by fraud, or guile:"

and, thereupon, the foulest slanders were propagated, and the grossest personal abuse — the dernier resort of conscious weakness — was freely indulged in. The Suffrage Party were represented to have no leaders, no talent, no money, no honesty; and their particular profession, which suited not the polished nerve of courtly ears, were held up in derison.

But the TRUE spirit of Rhode Island was awake, and up, and acting — by which I mean not the spirit of domination, of usurpation, of despotic tyranny, as some of our statesmen are fain to represent it — but that high and indomitable spirit of liberty, which GOD breathed in the soul of man, when he first pronounced it *living* — and formed after HIS OWN IMAGE — and which no hand of clay ever bestowed — or ever can bestow. This spirit was awake — *is* awake: and not till the universal heart of Rhode Island shall forget to cherish the names of her venerated founders — not till the good seed which was planted by her noblest exiled son, when first she opened her maternal arms to receive him, shall be covered with the blight and mildew of death, and no

more spring up, and blossom, bearing precious fruits, shall *that spirit* be lulled by sorcery into forgetfulness of its rights and duties, or be compelled by force to surrender its high trust.

In regard to the People's Constitution, I would observe that a perfect work is not to be expected from one effort, even of the wisest and the greatest; but must be the result of a series of efforts. Of its general merits, *pro* and *con*, I leave those best qualified to judge for themselves, fully believing that, in most respects, it will be its own best vindicator.

It was finally submitted to the People, as recorded in the last chapter, and was adopted by a majority of 4746. Deducting 3000, supposed to be the number of persons insane, convicts, and under guardianship, from 26,142, the number of males in the State over 21 years of age, and you have 23,142, of whom a majority would be 11,572. 13,944 votes were given for the Constitution, which is 873 votes more than one-half of all the adult males in the State; and 2372 more than half of all those qualified to vote for the Constitution. After deducting from 23,142, the whole number who voted for the Constitution, we have a remainder of 9198, of whom 9146 did not vote, and 52 voted against the Constitution. There were 4960 freemen who voted for the Constitution; which, taking 8622, the number of votes polled in 1840, as the standard number of freemen, gives a majority of 1298 of all the freemen in the State. Was not, then, the making and adoption of the People's Constitution, eminently, *pre-eminently* the work of the PEOPLE; and that, too, even of the (so called) "*legal* people?" The fact challenges denial. There the names stand, in that goodly-sized book, inscribed in free and fair characters; and, with some few exceptions, there can be no question, that the act which placed them there, was as free, and fair. Among them I find

the names of almost all the surviving revolutionary veterans; and am most happy to see that of the venerable Elisha Olney, late of North Providence. He was the warning officer who first notified the inhabitants of his town in the Revolution. The first vote polled at Scituate was by Captain Boss, a hero of the Revolution. He declared himself ready to defend in age the glorious principles for which he contended in youth.

Taking the Declaration of Independence for their manual, the fathers of '76 for their exemplars, the opinions of eminent living statesmen for their authority, the Suffrage Party had framed a Bill of Rights, and a Constitution of Government, which, on being submitted to the People, was returned to them by the largest majority that had ever voted upon any question in Rhode Island: and, in consideration of these facts, they believed themselves justified before God, and Man, in putting forth the following:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

A PROCLAMATION.

Whereas, the Convention of the PEOPLE of this State, at their last session, in the city of Providence, on the 13th day of January, A. D, 1842, passed the following resolutions, to wit:

Whereas, by the return of the votes upon the CONSTITUTION proposed to the citizens of this State, by this Convention on the 18th day of November last, it satisfactorily appears that the citizens of this State, in their original and sovereign capacity, have ratified and adopted said Constitution, by a large majority; and the will of the PEOPLE, thus decisively made known, ought to be implicitly obeyed, and faithfully executed:

We do therefore Resolve and Declare that said Constitution rightfully ought to be, and is, the paramount law and Constitution of the State of Rhode Island and Providence Plantations.

And we do further Resolve and Declare, for ourselves, and in behalf of the People whom we represent, that we will establish said Constitution and sustain and defend the same, by all necessary means.

Resolved, That the officers of this Convention make Proclamation of the return of the votes upon the Constitution, and that the same has been adopted, and has become the Constitution of

this State; and that they cause said Proclamation to be published in the newspapers of the same.

Now, Therefore, in obedience to the above vote of said Convention, we, the undersigned, officers of the same, do hereby Proclaim, and make known to all the People of this State, that said Constitution of right ought to be, and is, the paramount law and Constitution of the State of Rhode Island and Providence Plantations.

And we hereby call upon the citizens of the State, to give their aid and support in carrying said Constitution into full operation and effect, according to the terms and provisions thereof.

Witness our hands at Providence, in said State, this 13th day of January, 1842.

JOSEPH JOSLIN, *President of the Convention.*
WAGER WEEDEN, } Vice
SAMUEL H. WALES, } Presidents.
Wm. H. Smith, } Secretaries.
John S. Harris, }

And here let us inquire by what *right* the above acts were done, and the above Proclamation issued? This inquiry, it will be seen, involves several questions of vital import. But before discussing them, let us look for a moment at the position which the unenfranchised citizens of Rhode Island have occupied since the Revolution. The General Assembly, as we have before seen, was both an independent and omipotent body. They could enact any law, however odious, and carry that law into effect. There being no constitutional provisions, and, consequently, no constitutional check, the people, especially the unenfranchised part, were without any "certain remedy" for any abuse; since when there was no Constitution, there was none to violate. They could not appeal to precedent; for precedent would depose against them, by showing various acts of irresponsible authority. Laws could not be appealed to; for as clay is in the hands of the potter, so was Law in those of the General Assembly. They moulded, created, and destroyed it, with no check but their own sovereign will; an appeal to the Legislature would be a solemn mockery of pe-

tition; because that body would never set against themselves. An appeal to any Court of Law would be equally ridiculous — equally useless — because the Judges were the creatures, and the Courts the tools of the Legislature — sharp instruments, indeed, and admirably calculated for shaving others, but never designed to turn against themselves. The Courts sat, and acted only to enforce the Legislative will, and unless some principle of common law were involved, or the Constitution of the United States were violated, an independent decision was never secure. In the mean time justice became, day by day, more unequally divided; until three-fifths of the citizens of the State were reduced to a condition of vassalage.

Does any person require evidence that such a state of things really existed? I give it, in the words of a Rhode Islander. In an Address by Wm. E. Richmond, published in the Manufacturers' and Farmers' Journal, of which Mr. R. was editor, I find the following passages. The Address was published November 27th, December 11th, and 18th, 1820; and January 11th, 1821, and was called forth by the adoption of their Constitution, by the people of Connecticut.

"If an utter stranger to our laws," says Mr. R., "should consider the Charter in reference to the Declaration of Independence, by which the supreme and controlling power which the English King in Council, and in his Courts of Law, exercised over the proceedings of the General Assembly was abolished, and that body left without any superior or controling power, to check its attempts upon individual rights, or general freedom, he must be astonished, that a free people have, for more than forty years, submitted to a species of government, in theory, if not in practice, *as* DESPOTIC *as that of the* AUTOCRAT OF ALL THE RUSSIAS. That the General Assembly, which

now pretends to a legitimate right to govern us, exists and acts *by its own authority*, alone — that the Bill of Rights, which was lately a theme of his admiration, flowed from the *mere good will and pleasure* of that Assembly, and *may be revoked at its will* and pleasure — that the people of this State *elect their representatives to this Assembly only by its permission — a permission which it may withdraw at pleasure* — that this Assembly does not acknowledge its dependence on the people, but, on the contrary, *considers itself as existing by its own mere will, without check, balance, or control*, exercising the whole government, Legislative, Judicial, and Executive. Any man born in a free country, and educated with clear and precise perceptions of the true attributes of a representative and popular government, will be astonished, that the people of this State have so long submitted to a platform of government, which is *devoid of all authority from the people;* and which, though it gives the whole supreme power to EIGHTY-FOUR DESPOTS, instead of ONE, is *not the less arbitrary and despotic on that account.*"

And, again; speaking of the Government, he says: "*It answers to our ideas of a* PURE DESPOTISM; *because the General Assembly engrosses and exercises, in person, or by substitution,* ALL THE POWERS OF SOVEREIGNTY."

Now where, I ask, should a people, subjected to all these inconveniencies — to say nothing of *wrongs* — for wrongs is a harsh word to the delicate nerve of modern ears; where, and how, should they find a remedy? There was no legal mode of amendment pointed out. They were told that the remedy rested solely with the Legislature; and to the Legislature they applied for redress, making this one subject — the right of citizenship, or suffrage — the ground of petition for more than forty years. But

when did a crowned tyrant, because his subjects *asked* him to do so — *petitioned* him to do so — voluntarily lay down his sceptre, and abdicate his throne? That is not an act in human nature to perform; and it affects not the question whether the despot has one head, or many heads; only that the hydra would be the worse to deal with, of the two. Accordingly we find the unenfranchised men of Rhode Island — many of them, too, descendants of the honored Founders — stigmatised as ALIENS, degraded, low, unworthy of notice; and their petitions were laid by in silent contempt, or noticed only to be insulted. But rising gradually in spirit and intelligence, ray by ray, the truth broke in upon them, until the whole soul became illumined, and the longing heavy heart expanded, with the loftiest thought which any created being can conceive — the consciousness of manhood, with all its duties, responsibilities, and prerogatives. They pondered these things in their own hearts. They communed with each other. They enquired abroad. All evidence, but the bribed and false evidence suborned by their oppressors, justified them: and they determined to be free. Is there any freeman in this country who will condemn their resolution? If there is, I impeach his freedom. He is either a despot, or a slave; for neither of these can appreciate a free thought, or generate a free action.

The obligation does not rest merely upon the Suffrage Party, to establish the validity of their right of rule; but the burden, also, of proving *theirs*, rests upon the Charter Government. Bring forward the scales of even-handed justice, and let us try them in the balance, with not merely *opinions*, but PRINCIPLES, for weights.

The first settlers of Rhode Island never pretended to claim an original and independent jurisdiction. They, always, by all their acts, recognised the power

of the crown, and held themselves in subordination to the royal authority. Even the lands which they purchased of the natives, were obtained, and held, by virtue of the royal patent. Of course, then, the government of Rhode Island was not a pure democracy; since the sovereignty was vested in the crown. By the Declaration of Independence, the royal authority was abrogated. To whom, then, did the sovereignty revert? "To the Landholders — the Freemen:" say the Chartists, "because they were created a body corporate and politic, and were destined to remain such forever." But by what right did such corporations establish any exclusive privileges? Had the Fathers of '76 intended to recognise any such, would they not have given their immortal declaration quite another form? Should it not have been, all Landholders, or all Landed Corporations are created free and equal? However great the absurdity involved, truth would have compelled them to make some such declaration, so as to sustain the trite doctrines we have, all along, (vainly it seems,) imagined they intended to explode. But no; they did no such thing. They declared that all MEN were created free and equal; and, not only so, but ALL men: and that principal is at the bottom line of everything that is true, in the political, social, or moral elements connected with the being of man. The whole people, then, as successors of the King, became tenants in common of the sovereignty.

"But this is impossible," says Judge Durfee; "because, were it so, by the act which proclaimed these states sovereign and independent, their very existence, as states, would have been annihilated." "The act of separation," again, says Mr. Durfee, "was the act of the corporate people; and all that was acquired by that act, was acquired by the corporate people, and could be acquired by no other than a corporate people. *None but a corporate people has the capa-*

city to receive and exercise sovereignty. The natural people has not the capacity to inherit, or succeed to sovereignty." I will not quote further, lest I permit the gentleman to demolish his own argument — which he does, for himself, at the very next clause in the sentence. But it suits my purpose now, that his argument should be valid — or, I should rather say, plausible. Could Mr. Durfee tell at what precise point of time the transition was effected, and what ceremony attended it? Was it when the Declaration was first read, or afterwards published, that the royal chains were dissolved, and the corporation became its own master? But a corporation is not an original being. It must have a pre-existing cause — it must have been created. The idea of a creation, pre-supposes that of a creator; and also that the thing created should be subordinate to the creating power. Who, then, created the corporation? "Why the freemen," you say. Very well. But freemen, according to *your* definition, are not original beings — they, too, are the subjects of causation. They have been created. Who created them? "They were admitted free of the company," you say. Of what company? "Why, the chartered company of King Charles." Here we have it; we have now completed the circle. We have got back again to royalty and its exclusive prerogatives. We find a government framed in and through a Landed Company, existing by virtue of an authority which Rhode Island herself, through her delegates that signed the Declaration of Independence, had declared "*totally* dissolved." But this government still continued to exist, to the exclusion of all citizens who were not sheltered under the wings of the royal charter, and that in violation of the Declaration which Rhode Island through her delegates who signed it, had pledged herself to sustain, in theory and in fact, and to distribute the prerogatives it asserted, equally among

all her children. The same old government was continued, without so much as asking leave of a large portion of the citizens — and still it was continued through a period of more than sixty years, though they who suffered by it ceased not to protest against it — ceased not to cry for redress; and they, too, had grown to be a very large majority of the whole people. This government has been called Republican — nay, it has been held up as a MODEL of wisdom and equity, in structure, and in administration. It has been vauntingly said, again and again, that no other state — no, not in the world, was so free as ours. Let us see how its government will square with Madison's definition of a republic.

"It is essential to such a government," (that is republican) "that it be derived from *the great body of the society*, not from *an inconsiderable proportion or favored class of it;* otherwise, a handful of tyrannical nobles, exercising their oppressions by a delegation of their power, might aspire to the rank of republicans, and claim for their government the honorable title of republic." Did Madison mean by this, the great body of *rulers*, merely, with their constituents, the freeholders? No one can even pretend to think so, with any shadow of candor. Madison, then, would not have called Rhode Island a Republic; and, by the same rule, would not have sanctioned the conduct of her "*nobles.*"

But I return to the original point.

Did our Fathers, then, when they looked round on that "old Thirteen," see only *Corporations*, landed, or otherwise? Did they not rather see MEN — living, thinking, rational beings, with true souls, and strong hearts, and ready hands, and feet that stayed not at home when their rights were invaded? Through these, in these, and these alone, they recognised the State — the new State, which was to

be governed by the law, and the constitution-paramount, which is written where no despot can erase it — deep in THE NATURE of man? If it were not so, then were their Acts, and their Declarations, a great bundle of absurdities — and, worse, an unjust resistance to just power, and a wanton waste of human life.

In summing up his paragraph on the corporations, Mr. Durfee asks, "What became of the Confederation? What became of the Congress that made the declaration?" I answer, neither the Confederation, nor the Congress, was created by virtue of any royal authority, but by virtue of the principle they had made the basis of their new system — the Right of man to participate in the government of the community to which he belongs.

Here let me call the attention of Mr. Durfee and his associates to ONE FACT, of which they do not seem to be aware. The Confederation was quietly set aside by the People, through their delegates in Congress, and was succeeded by the Constitution; and the first quiet, bloodless revolution, of which the history of the world bears record, was effected. There stands the triumphant PRINCIPLE, which the revolution established, confirmed by the seal of the first Congress, who, by their successful experiment, practically reaffirmed the truth, that "it is the right of the people to alter, or abolish," their constitutions of government; and showing, by their own act, that *such change might be effected* PEACEFULLY. There stands our FIRST GREAT PRECEDENT, as it shown forth, living, from the hands of the sages of '76! There it shall stand forever, as an example to all future ages, showing that the great principle for which we contend, is no more sublime in theory, than *safe and true in practice.*

Who, then, I ask once more, were the recipients of the sovreignty? "The corporation," still persists Mr. Durfee, "because the sovereign will, being

a unit, could not be divided among thousands of independent individuals, without being destroyed." How Mr. Durfee fixed upon the locality, wherein to deposit his "*unit*," I cannot for my life see. Would not each individual of the Freemen who made the component parts of the body politic, claim to be, in his own person, a representation of his full portion of that sovereignty, or in other words, claim his proper dividend of the "*unit?*" I believe no one can deny this. Then is not the "*unit*" divided? And what becomes of the argument? It arrives simply to this — A "unit" may be divided among *hundreds*, and remain in safety; but if it be divided among *thousands*, it is lost. Whoever can see the force of it, must have good optics.

> "For optics sharp, it needs, I ween,
> To see what *is not* to be seen."

But where then, is the sovereignty vested! "In the government and people cotemporaneously," says Mr. Jackson.* "In the *political* people," says Mr. Randolph.* "In the people," says Mr. Hazard.* Truly. But I am forced to ask a strange question for a native of this free state. *Who are* the people? "The Freemen," confidently answers Mr. Hazard; and all the different members of the Oligarchy echo the assertion, with all their *appendages*, by which I mean the various chattels in human shape, which they have purchased by proscription, bribery, patronage, and otherwise.

Let us try the assertions of these gentlemen by those of some others, who are, I think, quite as wise — quite as great — and, what is better, quite as HONEST. I will begin with those of Rhode Island herself, that out of her own mouth her degenerate sons may receive their condemnation.

When the Delegates of the People of Rhode Isl-

* Members of the General Assembly.

and met in Convention, for the purpose of ratifying the Constitution of the United States, on the 29th day of May, 1790, they issued a declaration, which was a recapitulation of the great work of Jefferson, and hardly inferior to it. The principles of this document were so directly opposed to those of the Government, that it became a matter of grave policy to keep it nicely laid away; and, probably, very few men in the State knew of its existence, until it was drawn forth from among its mouldering companions, by Judge Staples, on the occasion of the last semi-centennial celebration of the ratification of the Constitution. And a *very injudicious act* was that. Here I find "That all power is *naturally* vested in, and, consequently, *derived from the people;* [not Landholders] that magistrates, therefore, are their trustees and agents, and *at all times amenable to them.*"

William E. Richmond, whom I have taken occasion to quote before, said, "*The People of every political community are, under God, the only legitimate source of political power.* To them, and to them only, belongs the right of establishing governments."

Wilson, Chief Justice of the Supreme Court of the United States, speaks directly and explicitly to the point in question. He was a signer of the Declaration of Independence; was a member of the Convention which formed the Constitution of the United States, and of the Pennsylvania State Convention which adopted it; a Judge of the Supreme Court of the United States; a professor and learned expounder of the law, and reviser of the Laws of Pennsylvania.

"Perhaps some politician who has not considered with sufficient accuracy our political systems, would answer; 'but in our government the supreme power is vested in the Constitutions.' This opinion ap-

proaches a step nearer the truth, (than the position that it resides in the Legislature) but does not reach it. The truth is, that in our governments *the supreme, absolute, and uncontrolable power remains in* THE PEOPLE. As our constitutions are superior to our legislatures, so the people are superior to our constitutions. Indeed, the superiority in this last instance is much greater, for the people possess, over our constitutions, control in act, as well as in right."

Again he says, vol. 1, p. 25, "The dread and redoubtable sovereign when traced to his ultimate source, has been found, as he ought to have been found, *in the free and independent* MAN. This truth, so simple and natural, and yet so neglected, may be appreciated as the first and fundamental principle in the science of government."

Locke says: "I affirm that the liberty for which we contend, is granted by GOD to *every man*, in his own person, in such a manner as may be useful to him, and his posterity." Vol. 1, p. 403.

Vattel says: "This (the sovereign) authority essentially belongs to *the body* of the society."

Law of Nations, p. 48.

The Declaration of Independence says: "That all power is naturally vested in, and consequently derived from the people:" and Judge Story, in his Commentaries, says: "The Declaration puts the doctrine on the true ground — that governments derive their powers from the *consent* of the governed."

Montesquieu speaks of "The People in whom the supreme power resides." Spirit of Laws, Book 2, cap. 2.

Jay, Chief Justice of the Supreme Court of the United States, says: "At the Revolution the sovereignty devolved on the People; and they are truly the sovereigns of the country; but they are sovereigns without subjects, (unless the African *slaves* among us may be so called,) and have none to gov-

ern but themselves: *the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty.*"—[2. Dallas's Reports, 409.

Marshall, Chief Justice of the Supreme Court of the United States, says: "It has been said that the people had already surrendered all their powers to the State sovereignties, and had nothing more to give. But surely the question whether they may resume or modify the powers granted to government, *does not remain to be settled by this country.*"

[4. Wheaton's Reports, 405.

Judge Wilson says again: "Permit me to mention one great principle, the *vital* principle I may well call it, which diffuses animation and vigor through all the others. The principle I mean is this, that the supreme or sovereign power resides in *the citizens at large;* and that, therefore, they always retain the right of abolishing, altering, or amending their constitution at *whatever time* and in *whatever manner*, they shall deem expedient." Lectures on Law, vol. 1, p. 17.

I might multiply authorities, but I forbear: for have I not traced this poor hunted sovereignty to its ultimate retreat — its primal investment, in man? Is not the reserved power — the "power behind the throne, greater than the throne itself," most properly — nay, unquestionably bestowed here? Methinks I hear dissenting voices saying "These authorities all go for nothing; because by the word people not the whole people is meant, but only the freemen. But let me ask what do the terms "*every man*," "*body of the society*," "*citizens at large*," mean? A particular portion; or the whole?

By placing the power of sovereignty in the corporation, or the laws, you are involved in an absurdity — you make the creature paramount to the creator. It is a heathenish doctrine, that man must bow down and worship the work of

his own hands. If you place it in property, you might, by the same rule, admit some of the inferior animals to this distinguished honor. The Chimpanzé* chooses his lot, and builds himself a house. he is a "*landholder;*" and all of us are well acquainted with the Beaver, as an owner of "*Water Privileges:*" and if sovereignty is vested in any thing foreign to the man himself, why may not these be freemen, and suitable members of the body-corporate? But I weary with reasoning with those, who, if we may judge by their logic, are cousins of no distant removal from the Chimpanzé himself; and, with the intimation that if they *have* four hands apiece, they will find work sufficient for them all to do, before they prove that Man, and not God, is the creator of PEOPLE, I dismiss this paragraph.

To whom then did this residuary power, the ultimate sovereignty, revert at the revolution? To the People I answer. Unquestionably, to the WHOLE PEOPLE. If the power passed to the few there must have been some expressed act of surrender, by which the remaining portion bestowed their proper sovereignty on the majority. No such act can be shewn. And if there were any, it would be invalid. An inherent and original right cannot be invalidated, even by a voluntary act. A man, for instance, cannot divest himself of the right to be happy; because that right is conjoined with his nature, his very being. He may, indeed, by violating the laws of his nature, deprive himself of the power of being happy; but never of the right to be so. The Declaration of Independence says "That there are certain natural rights, of which men, when they form a social compact, *cannot deprive or divest their posterity;* among which are the enjoyment of life and

* The species of Quadrumana which approaches most nearly to man.

liberty, with the means of acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety." So that if by any possibility our Fathers could have divested *themselves* of the rights of citizenship, it is very plain that they could not have divested us of it.

The question of the People's sovereignty being established, by what mode, or through what channel, were they to obtain a Bill of Rights, by which their liberties would be secured? Mr. Goddard says: "We have moreover maintained that where a Constitution provides no mode of amending itself, the people must effect the desired reform through the agency of the Legislature, the representatives and agents of the people. No other mode of changing constitutions of government can we admit to be "an explicit act of the whole people.'" And this is the sentiment of the Oligarchy. Now what if three-fifths of the people have none of these agents, or representatives; and what if other people's agents will not interest themselves in their business; though they have patiently waited, hardly ceasing to petition for more than fifty years? What must the people do then? Must they settle down into the abject condition of slaves, to be only the more wretched for having souls? And the General Assembly, with a nod of amiable condescension, strokes its whiskers very complaciently; and, with a smile of perfect security, assents to the proposition. The idea of slaves, and slavery, has always been to it an exceedingly composing and agreeable thought. It has helped it to digest many a good dinner, eaten at the State's expense.

The men of Rhode Island began to think otherwise; and in process of time, they began to act otherwise. In short they took steps to right themselves, as we have already recited, seeing there was none other to right them. And, thereupon, their

master put on an air of offended dignity, swelled to the full dimenisons of its biggest garment, while its awful brow wore a terrible frown. But the men of Rhode Island, nothing daunted, went on with their work; and let us see what authorities we can find to justify them.

Montesquieu says: "The people are extremely well qualified for choosing those whom they are to entrust with a part of their authority. They have only to be determined by things which they cannot be strangers to, and by facts that are obvious to sense." Spirit of Laws, Book 2, chap. 2.

Vattel says: "If a nation is dissatisfied with the public administration it may reduce it to order, and reform the government. In virtue of the same principles it is certain that if the nation is uneasy under its constitution, it has *a right to change it. The opinion of the majority must pass without dispute*, for that of the whole nation; otherwise it would be impossible for the society ever to take any resolution."—Law of Nature, p. 67.

Algernon Sydney says: "Filmer doubts who shall judge of the *lawful cause* of changing the government, and says 'it is a pestilent conclusion to place that power in the multitude.'"

"But why should this be esteemed pestilent, and to whom? If the allowance of such a power in the senate was pestilent to Nero, it was beneficial to mankind; and the denial of it, which would give Nero an opportunity of continuing in his villanies, would have been pestilent to the best men whom he endeavored to destroy; and to all others who received benefit from them.

But this question depends upon another; for if governments are instituted for the pleasure, greatness, or profit of one man, he must not be interrupted; for the opposing of his will is to overthrow the institution.

"On the other side, if the good of the governed be sought, *care must be taken that the end be accomplished, though it be with the prejudice of the governor.* If the power be originally in the multitude, and one or more men, to whom the exercise of it, or a part of it was committed, had no more than their brethren, till it was conferred on him, or them, it cannot be believed that rational creatures would advance one or a few of their equals above themselves, unless in consideration of *their own good;* and I find no inconvenience in leaving to them a right of judging whether this be duly performed, or not.

"We say, in general, 'He that institutes may also abrogate;' most especially when the institution is not only *by*, but *for* himself. If the multitude, therefore, do institute, the multitude may abrogate; and they themselves, or those who succeed them in the same right, can only be fit judges of the performance of the ends of the institution."

"Our author (Filmer) may perhaps say; the public peace may be hereby disturbed; but he ought to know *there can be no peace where there is no justice,* nor any justice if the government instituted for the good of a nation, be turned to its ruin. But in plain English, the inconveniences with which such as he endeavors to affright us, is no more than that he, or they, to whom the power is given, may be restrained, or chastised, if they betray their trust; which I presume will displease none, but such as would rather subject Rome, with the best part of the world depending upon it, to the will of Caligula, or Nero, than Caligula or Nero to the judgment of the senate and people; that is rather to expose many great and brave nations to be destroyed by the rage of a savage beast, than to subject that beast to the judgment of all, or the choicest men of them; who can have no interest to pervert them, nor other reason to be

severe to him, than to prevent the mischiefs he would commit; and to save the people from ruin." — [Vol. 1, p. 279.

And it is because the Suffrage Movement, and the principles which it elicited, was pestilent to "Nero," and the partisan favorites of Nero, with all their appurtenances small and large, that it has been so cried out against — so traduced — so opposed.

And again Sydney says: "Governments, and the magistrates that execute them, are created by man. They who give a being to them cannot but have the right of regulating, limiting, and directing them, *as best pleaseth themselves.*" — [Vol. 1, p. 296.

And again: "The law of the instituted power is to accomplish the end of its institution, *as creatures are to do the will of their Creator;* and in deflecting from it overflow their own being. Magistrates are distinguished from other men by the power with which the law invests them, for the public good: he that cannot, or will not, procure that good, DESTROYS HIS OWN BEING."

By this rule our Charter magistrates were long since dead — struck to the heart by the recoiling weapon with which they would have transpierced the liberties of the people — destroyed by their own suicidal hands: and we had only to give them decent rites of sepulture, leaving their own public deeds to be their fitting monuments.

Lord Russell who was one of the Council of Six* which was formed to check the despotic proceedings of Charles and his brother, and was the fellow-martyr of Sydney, in his writings and conversation expressed the same sentiments. When the Doctors Burnet and Tillotson with the hope of saving his

* The remaining five were the Duke of Monmouth, Algernon Sydney, Lords Essex and Howard, and John Hampden.

life, attempted to persuade him to acknowledge to the king that subjects had in no case whatever a right to resist the throne, Russell replied: "Upon that hypothesis I see no difference between this government and the Turkish. I can have no conception of a limited monarchy which has not a right to defend its own limitations; and my conscience will not permit me to say otherwise to the king." And the noble martyr gave the highest evidence of sincerity that man could give. He literally sealed this great principle with his blood. It follows, then, by the authority of Russell, that, since we may define no limitations of the power of our hydra-despot, the General Assembly, our government is no freer than that of the Turks.

Sovereignty, we have seen, by all evidence, self-associate, and suborned, must exist in THE MAN; and can exist in no other-where. And, now that we have a platform whereon to establish it, the RIGHT OF CHANGE will be a structure not difficult to rear. Let us search authorities for evidence on this point, also.

Locke says: "The legislature, being only a fiduciary power, to act for certain ends, there remains still in the people a *supreme power* to renew or alter the legislative when they find the legislature act contrary to the trust reposed in them.

"If they (the people) have set limits to the duration of their legislature, and made this supreme power in any person or assembly only temporary: or, else, when, by the miscarriages of those in authority, it is forfeited; upon its forfeiture, or at the determination of the time set, it reverts to the society; and the people have a right to act, as supreme, and continue the legislative in themselves, or erect a new form; or, under the old form, place it in new hands —AS THEY THINK GOOD." —[C. 13, S. 149.

Undoubtedly Locke used the word "PEOPLE" in the good old sense, and intended it should represent every person in the State, who, by his age and ability to judge in such matters, would have been a party to the social compact, if it had been formed anew at the time.

Robert Hall says: "As no man can have any natural or inherent right to rule any man more than another, it necessarily follows, that a claim to dominion, wherever it is lodged, must be ultimately referred back to the explicit, or implied consent of the people. Whatever source of civil authority is assigned different from this, will be found to resolve itself into mere force. But as the natural equality of one generation, is the same with that of another, THE PEOPLE have always the same right to new-model their government, and set aside their rulers. This right, like every other, may be exerted capriciously and absurdly; but *no human power can have any pretensions to intercept its exercise.* For civil rulers cannot be considered as having any claims that are coextended with those of the people, nor as forming a party separate from the nation. They are appointed by the community to *execute* its will, not to *oppose* it; they cannot bind the society itself, or prevent it, *when it shall think proper*, from forming an *entire new arrangement; — a right that no compact can alienate, or diminish*, and which has been exerted as often as a free government had been formed.

"With the enemies of freedom it is a usual artifice, to represent the sovereignty of the people as a license to anarchy and disorder. But the tracing up civil power to that source, will not diminish our obligations to obey; it only explains its reasons, and settles it on clear, determined principles. It turns blind submission into rational obedience, tempers the passion for liberty with the love of order, and places mankind in a happy medium, between the extremes

of anarchy on the one side, and oppression on the other. It is the polar star that will conduct us safe over the ocean of political debate, and speculation — the law of laws — the legislator of legislators." — *An Apology for the Freedom of the Press.* S. 4.

If Milton had been a Rhode Islander, living under the Charter Dynasty, he could not have spoken more to our purpose than in the following passage. "And surely, they that shall boast, as we do, to be a free nation, and not to have, themselves, the power to remove or abolish any governor, either supreme or subordinate, with the government itself, upon urgent causes, may please their fancy with a ridiculous and painted freedom, fit only to cozzen babies, but are, indeed, under tyranny and servitude ; as wanting the power which is the root and source of all liberty — to dispose and economise in the land which God hath given them, as masters of family, and of their own house and free inheritance, without which natural and essential power of a free nation, though bearing high their heads they can, in due esteem, be thought no better than slaves and vassals, born in the tenure and occupation of another inheriting lord, whose government, though *not illegal or intolerable*, hangs over them like a lordly scourge, not as a free government, and therefore to be abrogated."

And again he says; "It follows, lastly, since the king or magistrate holds his authority of the people, both originally and naturally for their good, in the first place, and not his own, then may the people, *as often as they shall judge it for the best*, either choose him, or reject him, retain him, or depose him, though no tyrant, merely by the liberty and right of free-born men to be governed as seems to please them best." — *Milton's Prose Works*, vol. 2, p. 171.

Here, then, the right of abrogation is made the very testing principle by which liberty is tried. Nor are we "babies," that we should be longer cozzen-

ed with this "painted freedom;" but we will prove ourselves MEN, capable of resuming and securing our natural and "free inheritance."

Washington, in his Farewell Address, says, "The basis of our political systems is the right of the people to make and alter their constitutions of government." Did Washington mean such people as are made at our Town-Meeting-Manufactories of men? Did he not rather mean such as GOD has made, and invested with dominion over all the earth?

Jefferson says; "It is not only the *right*, but the *duty*, of those now on the stage of action, to change the laws and institutions of government, to keep pace with the progress of knowledge, the light of science, and the amelioration of the condition of society. Nothing is to be considered unchangeable, but the inherent and inalienable rights of man."

Harrison says, "The broad foundation upon which our constitution rests, is the people. A breath of theirs has made, as a breath can unmake, change and modify it." — *Inaugural Address.*

Rhode Island herself, by her Convention of 1760, said, "that the powers of government may be reassumed by the people, whenever it shall become necessary to their happiness." The people, then, are to be the judge; for none will be so stupid as to believe that it was to be left to the magistrates to decide, whether a change would be necessary to the people's happiness.

Madison, in advocating the adoption of the Constitution of the United States, says, "The first question that offers itself is, whether the general form and aspect of the government be strictly *republican?* It is evident that no other form would be reconcilable with the genius of the people of America, with the fundamental principles of the revolution, or with that honorable determination which animates every votary of freedom, to rest all our po-

litical experiments on the capacity of mankind for self-government."—*Federalist, No.* 39, *p.* 203.

Hamilton says, "The fabric of American empire ought to rest on the solid basis of the *consent* of *the people.* The streams of national power ought to flow immediately from that pure original fountain of all legitimate authority."—*Federalist No.* 22, *p.* 119.

Judge Wilson says: "The consequence of the sovereignty being vested in themselves, is that the people may change their constitutions, *whenever, and however*, they please. This is a right of which no positive institution can deprive them."

Again the same Judge says; "Of the right of a majority of the whole people to change their government *at will*, there can be no doubt."—1 *Wilson*, 418. 1 *Tucker's Black. Comm.* 168, cited 324 *p.* vol. 1 *Story's Comm.*.

Again he says; "As to the people, however, in whom the sovereign power resides, the case is widely different, and stands upon widely different principles. From their authority the Constitution originates; for their safety and felicity it is established. In their hands, it is as clay in those of the potter. They have a right to mould, preserve, improve, refine and finish it as they please."—Works, vol. 1, p. 418.

The learned Judge then proceeds to overturn the modern theory of Rhode Island, that the doctrine of man's inherent rights is an "*abstraction*," by saying; "These important truths, sir, are *far from being merely speculative;* we, at this moment, speak, and deliberate, under their immediate and benign influence. To the operation of these truths, we are to ascribe the scene, hitherto unparalleled, which America now exhibits to the world; a gentle, a peaceful, a voluntary and a deliberate transfer from one constitution of government to another, (from the Confederation to the Constitution of the United States.)

In other parts of the world the idea of revolution in government, by a mournful and indissoluble association, is connected with the idea of wars, and all the calamities attendant on war."

It seems, then, that Revolution may be peaceful. And why was it, but because Rhode Island refused to acknowledge the principles of American government, that the proposed change in her institutions could not be effected peacefully, as was the intention of its movers? Rhode Island had, in truth, ceased to be a Republic; or this vital principle of Republics must have been considered paramount. But to proceed with the authority of Wilson. He goes on to say, in the same connection; "But happy experience teaches us to view such revolutions in a very different light — to consider them as progressive steps in improving the knowledge of government, and increasing the happiness of society and mankind."—*Works, vol.* 3, *p.* 293.

And again: "Oft have I viewed with silent pleasure and admiration, the force and prevalence through the United States of this principle, that the supreme power resides in the people, and that they *never part with it.* It may be called the *panacea* in politics. If the error be in the Legislature, it may be corrected by the Constitution; if in the Constitution, it may be corrected by the people. There is a remedy, therefore, for every distemper in government, if the people be not wanting to themselves. FOR A PEOPLE WANTING TO THEMSELVES, THERE IS NO REMEDY."

[*Ibid.*

Again he says; "A proper regard to the *original* and *inherent*, and continued power of the society to change its Constitution, will prevent mistakes and mischiefs of a very different kind. It will prevent giddy inconstancy; it will prevent unthinking rashness; it will prevent unmanly langour."—*Works, vol.* 1, *p.* 420.

Justice Iredell, of the Supreme Court of the United States, in relation to the difference between the principles of our own government and those of Europe, 3d vol. Elliott's Debates, says; "Our government is founded on much nobler principles. The people are known, with certainty, to have originated in themselves. Those in power are their servants and agents. And the PEOPLE, *without their consent*, may remodel the government whenever they think proper, not merely because it is oppressively exercised, but because they think another form is more conducive to their welfare."—*Cited, Story's Comm. vol.* 1, *p.* 326.

It is not, then, a necessary feature in the *right of change*, that the government be oppressive in its character, but if the people be displeased with it, in any way, or any degree, they may alter it, so as it shall be conformable to their own ideas of right.

Justice Patterson, of the Supreme Court of the United States, says; "The Constitution is the work of the People, themselves, in their original, sovereign, and unlimited capacity." And again: "A Constitution is a form of government delineated by the mighty hand of the People;" is "paramount to the will of the Legislature," and is liable only "to be revoked, or altered, by those who made it."—*Dallas' Rep. p.* 304.

Jefferson, in the Declaration of Independence, says; "We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that TO SECURE THESE RIGHTS, governments are instituted among men, deriving their just powers from the *consent* of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter, or abolish it, and to institute new government, laying

its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

Mr. Rawle, a distinguished Commentator on the Constitution of the United States, has given us the following remarkable passage. "It is not necessary that a Constitution should be in writing; but the superior advantages of one reduced to writing, over those resulting on traditionary information, or which are to be collected from rare acts and proceedings of the government, itself, are great and manifest. A dependence on the latter is, indeed, destructive of one main object of a Constitution, which is to *check and restrain governors.* If the people can only refer to the *acts and proceedings of the government,* to ascertain their own rights, it is obvious that, as every such act may introduce a new principle, there can be no stability in the government. The order of things is inverted; what ought to be the inferior, is placed above that which should be the superior; and the legislature is able to alter the Constitution at its pleasure."—*Rawle on the Constitution, p.* 16.

Luther Martin, Attorney General of Maryland, and one of the Delegates to the Convention of 1787, says; "Agreeably to the Articles of Confederation, entered into in the most solemn manner, (and for the observance of which, the States pledged themselves in the most solemn manner, to each other; and called upon the Supreme Being, as a witness and avenger between them) no alterations are to be made in those articles, unless, after they are approved by Congress, they are agreed to by the Legislature of every State; but by the resolve of the Convention, *this Constitution is not to be so ratified,* but is to be submitted to Conventions chosen by THE PEOPLE; and, if ratified by THEM, is to be binding."

Here is to be observed a very interesting and important step taken by these new travellers in the

great Highway of Human Liberty. They made the advance of submitting the subject of their labors, not to any intermediate agents or ministers, but to the SOVEREIGN POWER itself, as enshrined and vested in THE PEOPLE.

The Supreme Court of the United States, through their Chief Justice, Marshall, say; "That the People have an original right to establish for their future government, such principles as, in their opinion, shall most conduce to their own happiness, IS THE BASIS ON WHICH THE WHOLE AMERICAN FABRIC HAS BEEN ERECTED."

And does not the denial of that right in Rhode Island, show that the will exists, if not the power, to subvert, and wholly to overthrow that fabric?

Justice Story, of the Supreme Court of the United States, says; "The understanding is general, if not universal, that having been adopted by a majority of the people, the Constitution of the State *binds the whole community*, proprio vigore," (by its own innate power) "and is unalterable, unless by the consent of a *majority* of the people, or, at least by the qualified votes of the State, in the manner prescribed by the Constitution, *or otherwise provided by the majority*. No right exists, in any town, or county, or *any organised body within the State, short of the whole people* of the State, to alter, suspend, resist, or disown the operations of that Constitution, or to withdraw themselves from its jurisdiction. Much less is the compact supposed liable to interruption, or suspension, or dissolution, at the will of any private citizen upon his own notion of its obligations, or of any infringement of them by the constituted authorities. The only redress for any such infringements, and the only guaranties of individual rights and property, are understood to consist in the peaceable appeal to the proper tribunals, constituted by the government for such purposes; *if these should fail,*

by the ultimate appeal to the justice *and good sense of the majority.* And this, according to Mr. Locke, is the true sense of the original compact, by which every individual has surrendered to the majority of the society, the right permanently to control and direct the operations of the government therein."—*Story's Comm. vol.* 1, *p.* 305.

"Vattel justly observes," says Mr. Rawle, "that the perfection of a State, and its aptitude to fulfil the ends proposed by Society, depends upon its Constitution. The first duty to itself is, to form the best Constitution possible, and one most suited to its circumstances; and thus it lays the foundation of its safety, permanence, and happiness. But the best Constitution that can be framed, with the most anxious deliberation that can be bestowed upon it, may, in practice, be found imperfect, and inadequate to the true interests of society. Alterations and amendments then became desirable. *The People retains; the People, cannot, perhaps, divest itself of the power to make such alterations.* A moral power equal to, and of the same nature as that which made, can, alone, destroy. *The laws of one Legislature may be repealed by another Legislature;* and the power to repeal them cannot be withheld by the power that enacted them. *So the People may, on the same principle, at any time, alter or abolish, the Constitution they have formed.* This has been frequently and *peaceably* done by several of these States, since 1776. If a particular mode of effecting such alterations has been urged upon, it is *most convenient* to adhere to it; but it is *not exclusively binding.*"

Rawle on the Constitution, p. 17.

The Right of Change was laid down as the very corner stone of the Revolution. It occupied a conspicuous place in the Declaration of Independence. It was recognised in the Articles of Confederation, the Constitution of the United States, and of almost

all the States. Let the royal Chartists of Rhode Island, and their Advocates abroad, read their own State Constitution, and tell me how they can deny the right of Revolution, without abandoning the principles of free government. They will see, too, that the people not only possess the right of Change, but the right to effect that change, at such time, and in such manner, as they please.

Articles of Confederation.

"Each State retains its sovereignty, freedom, and independence."

Constitution of the United States.

"The United States shall guaranty to every State in the Union, *a republican form of government.*"

"The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others *retained by the people.* The powers not delegated to the United States are reserved to the States *respectively*, OR TO THE PEOPLE."

Constitution of Maine.

"All power is *inherent in the people.* All free governments are founded in their authority and instituted for their benefit. They have, therefore, an *unalienable and indefeasible right* to institute government, and TO ALTER, REFORM, OR TOTALLY CHANGE THE SAME, WHEN THEIR SAFETY AND HAPPINESS REQUIRE IT."

Constitution of New Hampshire.

"All government, of right, emanates from the *people*, is founded in *consent*, and instituted for the general good. Whenever the ends of government are perverted, or public liberty manifestly endangered, and all other means of redress are ineffectual, the *people may, and of right ought to reform the old, or establish a new government.* The doctrine of *non-resistance against arbitrary power and oppression, is absurd, slavish,* and *destructive of the good and happiness of mankind.*"

Constitution of Vermont.

"The *community* hath an indubitable, unalienable, and indefeasible right to reform or alter government, in such manner as shall be by that community judged most conducive to the public weal."

Constitution of Massachusetts.

"The *end* of government is to furnish the *individuals* who compose it with the power of enjoying in safety and tranquility *their*

natural rights, and whenever these great objects are not obtained, THE PEOPLE HAVE A RIGHT TO ALTER THE GOVERNMENT."

"The PEOPLE have, at all times, an undeniable right to *alter* their form of government, *in such manner* as they may think expedient."

Constitution of Pennsylvania.

"All power is inherent in the PEOPLE: they have at *all times* an unalienable and indefeasible right to *reform or abolish* their government in such manner as THEY may think proper."

Constitution of Delaware.

"The *people* may, from time to time, as circumstances require, alter their constitution of government."

Constitution of Maryland.

"All government originates from the people, and is instituted solely for the good of the *whole*. The people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof."

Constitution of Virginia.

"*A majority* of the community hath an indubitable, unalienable, and indefeasible right to reform, alter, or abolish government in such manner as shall be judged most conducive to the public weal."

The Constitutions of Kentucky, Tennessee, Indiana, Mississippi, and Alabama, adopt this noble provision in the Virginia Constitution, almost without variation in language, and with none in sense.

Constitution of North Carolina.

"All political power is derived from the people. The people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof."

Constitution of Ohio.

"All men are born equally free and independent, and every free republican government being founded on *their* sole authority, they have at all times a COMPLETE power to alter, reform or abolish their Government, whenever they may deem it necessary."

Constitution of Illinois.

"All men are born equally free and independent. All power is inherent in the people, and all free governments are founded on *their* authority."

Constitution of Missouri.

"The *people* of this state have the inherent, sole and exclusive right of regulating the internal government and police thereof,

and of altering and abolishing their Constitution and form of government, whenever it may be necessary to their safety or happiness."

Now let the Executive, and Cabinet, and the principal Senators of the United States, examine carefully the bills of rights in their respective State Constitutions, and also the Constitution of the United States, which they have sworn to obey, and then answer, truly, if the Free Suffrage people of Rhode Island do not stand before God, and the whole world, as free from rebellion, treason, insurrection, or domestic violence, as did our Fathers of the Revolution, and the framers of all the State Constitutions?

And why, it will be asked — why this long array of authorities, in order to establish indisputable points of political faith and doctrine? Alas, for us, in this "free" state! These are no longer indisputable doctrines! They are positively and absolutely denied by the existing government of Rhode Island, both in theory and in practice — by word and by deed. Let the speeches and writings of the chief men among them be examined. Let the history of their acts, which furnishes but too elaborate a commentary on their principles, be read; and it will be clearly seen that what I say is true — if it *reach* the truth — it does not, indeed, go beyond it. What will Monarchists of the old world say — what will Republicans at home say, when they are told that here, in Rhode Island — the "freest" of all these United States of America — the great and distinguishing doctrines of the Declaration of Independence, are openly and unblushingly called,* "theoretical abstractions" — mere "rhetorical flourishes" — and that one, at least, among our great men has

* See Proceedings of the General Assembly and Freeholders' Convention, May, 1841.

said publicly of the above Instrument, that it had "*done* more hurt than good.*" Would not the Aristocrats of Europe take up the bitter taunt of Israel, and cry aloud, in their scorn; "Art thou, too, fallen, Lucifer, son of the morning?"

And yet our rulers claim to be "Jeffersonian Democrats;" and, from time to time, speak and write very round periods, and very fine paragraphs, about the "Democracie" which our fathers established, and the Republic of Rhode Island. Is it consistent with the honor — with the *safety* of a Republic — that such men should minister at its altars? Degraded and polluted are those altars, with the blood of immolated Freedom!

Here, let it be distinctly understood, that the Suffrage Party sought to effect a change in the government, *peaceably*. They deprecated the idea of violence. By numerous precedents — by the authority of able counsellors — they were persuaded they could do this; but they were always willing to surrender their powers to the properly-organised State Authorities, could anything like equal and just action have been obtained. Even at the eleventh hour the General Assembly had it in their power to conciliate all difficulties, by passing Mr. Atwell's Bill, empowering all tax-paying citizens of Rhode Island, to vote for Delegates to the Convention, which had been called by themselves, for the purpose of forming a Constitution. A single breath of the Assembly might, even then, have blown aside all rancor, all bitterness — all party-feeling — and the honest and energetic yeomanry and mechanics of Rhode Island, would, earnestly, and zealously, have co-operated in the great work in which they were so deeply interested.

* This noble sentiment was uttered by one of the Judges of the Supreme Court of Rhode Island.

But when this last repulse was given, they declared themselves weary of "asking for bread, and receiving only stones;" will any person wonder that they were so? They resolved then to put their own hands to the work, and they did so right manfully. They believed that the question had been settled, beyond dispute, that Constitutions of Government might be changed by a majority of the people, without any appeal to force; that the fact was established by several precedents — the change in the General Government — the changes in the State Constitutions — and thus authorised — and thus established — had come to be considered as a fixed principle in the policy of American Government — indeed its distinguishing principle.

But the Chartists refused to acknowledge this American principle. They opposed it. They ridiculed it. They undermined it by falsehoods and corruptions of the blackest dye. Indeed, the idea that non-freeholders — the patient slaves they had held in check for more than sixty years, simply by the exertion of their "especial grace, certain knowledge, and mere motion" — should consider themselves *men*, was too good a joke to be lost. It was really unsafe for an excitable man to dwell upon. It was a phenomenon they never expected to see; far better than an ordinary comedy. It was a complete "farce" — as they often called it. To think that these creatures, who were not "freemen," nor even "*people*," should really talk about *the rights of man!* It was a subject of unmingled astonishment!

Certainly, had the non-freeholders of Rhode Island been bond-slaves, they could not have been treated with more unutterable contempt. Indeed, their movements were not regarded as the actions of men. It was as if a tribe of monkeys had suddenly risen up among us; and after playing various antics, which were new, indeed, and wonderful to behold —

had, all at once, claimed to exercise the prerogatives of human beings. The demand was, in itself, a most laughable absurdity, while the idea of *such* beings having RIGHTS was monstrous!

And so were met, and so answered, the cries for liberty — the demand for right — of *three-fifths of the People of Rhode Island;* at first with ridicule — and then with deep and bitter scorn. Let the whole tone and spirit of the writings, speeches, and debates of the Chartists, witness that I speak truly, and without exaggeration.

Before dismissing this long chapter, I wish to revert a moment to one or two other objections, which have been frequently made by our enemies. The first is that man, when he enters society, surrenders his natural rights, for others, which are termed social rights. During the progress of this controversy, one of our most distinguished clergymen was so zealous in the propagation of this doctrine, that he devoted a whole sermon exclusively to its advocacy, taking the ground that *Man has no inherent rights* — or properly no rights at all; since if he have them not naturally, they must be *given* — and a gift is of favor, or courtesy — and not of right. Would not Nicholas give the reverend gentleman a higher salary than could be afforded by the society over which he presides, as a premium for preaching doctrines so consonant with the spirit of his own government?

But to return to the question. Algernon Sydney says: "The natural liberty of man is to be free from any superior power on earth, and not to be under the will or legislative power of man; but to have only the law of nature for his rule. The liberty of man in society is to be subject to no other legislative power, but that established by *consent in the commonwealth;* nor under the dominion of any will, or restraint of any law, but what that legislature shall enact, *according to the trust put in it.*" Here is no

abrogation of natural rights. There is, on the contrary, an accession of rights in the social state.

Locke, who pertinaciously clung to the old idea, that man, on entering the social state, *must surrender something*, is yet very far from sustaining our opponents in the ground assumed; which is, either that man has no natural rights, or surrenders them to the community, in the social state. Locke says: "A man, as has been proved, cannot subject himself to the arbitrary power of another; and having in a state of nature no abitrary power over the life, liberty, or possessions of another; but only so much as the law of nature gave him, for the preservation of himself and the rest of mankind; this is all he doth, or can give up to the community, and by it to the legislative power; so that the legislature can have no more than this. Their power, in the utmost bounds of it, is limited to the public good of the society. It is a power that can have *no other end but* PRESERVATION; and, therefore, can never have a right to destroy, enslave, or designedly injure the subjects."

By this, I understand, that man, on entering society, surrenders only the exertion of so much of his own physical, or personal power, as would, in a state of nature have been sufficient to enable him to sustain, recover, or defend his natural rights, from his natural enemies. That is to say, instead of going directly to the point, and vindicating, or avenging himself, he deposites this privilege in the hands of the society; who, by their laws, will vindicate, or avenge him; so that instead of his own single force, he becomes master of their combined strength. This is properly no surrender, when we consider the helpless condition of one in a state of nature; but only an exchange of the lesser for the greater good; an acquisition, rather than a loss of power.

But Locke, as if conscious that his doctrine of surrender should be surrendered, goes on to say: "*The obligations of the law of nature cease not in society;* but only, in many cases, are drawn closer, and have by human laws, known penalties annexed to them to enforce their observation. Thus THE LAW OF NATURE STANDS AS AN ETERNAL RULE, to legislators, as well as others. *The rules that they make for other men's actions*, must, *as well as their own, be conformable to the Law of Nature* — that is *to the* WILL OF GOD *of which* THAT *is a declaration;* and *the fundamental law of nature being the preservation of mankind, no human sanction can be good against it.*"

The learned Puffendorf, author of many celebrated works in History and Jurisprudence, who was born in 1631, and became the Historiographer and Counsellor of the Elector of Brandenberg, says: "One of the chief ends of erecting governments, was, that the LAWS OF NATURE, *upon which the common peace of mankind is established*, might be obeyed without danger." — [*Law of Nature and Nations, Book* 8, *Sec.* 2.]

Again I quote ancient and high authority, that of Hugo Grotius, who was, in some degree, the Master of Puffendorf, since it was by the perusal of the works of the former, that the mind of the latter was, perhaps, chiefly influenced. Grotius was born at Delft, in Holland, in 1583, and so wonderful were his powers, that, at sixteen, he was made a Doctor of the Laws, and soon after entered into the practice of his profession. He successively became Historiograper, Advocate General of Holland and Zealand, Pensionary of Rotterdam, a member of the States General, and Envoy to England. He had a strong, vigorous, and unprejudiced mind, discriminating judgment, and great learning. He says, "*In the*

Law of Nations, the Law of Nature is included"— included but not *annihilated.*

Mr. Hamilton, speaking of the introduction of Bills of Rights into State Constitutions, says: "It is evident, therefore, that according to their primitive signification, (abridgments of prerogative in favor of privilege,) they have no application to constitutions professedly founded upon the power of the people, and executed by their immediate representatives and servants. Here, in strictness, the people SURRENDER NOTHING; and as THEY RETAIN EVERY THING, they have no need of particular reservations." — *Federalist, No.* 83, *pp.* 463—4.

One quotation more from the gifted Reviewer of Montesquieu. "When men, therefore, unite in society, it is not true, as has been so often said, that they sacrifice a part of their liberties to enjoy the rest with security; on the contrary, every one of them acquires, by association, AN INCREASE OF POWER."

Again, it is frequently said by our opposers, that there was no objection to the change, itself, but they did not like the *manner* in which it was brought about. In answer to this, I will quote the authority of Madison; who, in reply to certain cavaliers that had objected to the Convention that framed the Constitution of the United States, on the ground of their having transcended the powers with which they were entrusted, strenuously advocates a disregard of the Articles of Confederation; or, in other words, that the end should not be sacrificed to the means. After very ably sustaining this point, he says:

"In all great changes of established governments, *forms ought to give way to substances;* that a rigid adherence, in such cases, to the former, would render nominal and nugatory, *the transcendent and special right of the people to 'alter, or abolish, their governments, as to them shall seem*

most likely to effect their safety and happiness;' since it is impossible for the people, spontaneously and universally, to move in concert towards that object; and it is, therefore, *essential* that such changes be *instituted by some informal* and *unauthorised propositions*, made by some patriotic and respectable citizen, or citizens. They must have recollected that *it was by this irregular and assumed privilege, of proposing to the people plans for their safety and happiness, that the States were first united against the danger with which they were threatened by their ancient government;* that *Committees and Congresses were formed for concentrating their efforts*, and *defending their rights;* and that *Conventions were elected in the several States, for establishing the Constitutions under which they are now governed;* nor could it have been forgotten that no little, ill-timed scruples, no zeal for adhering to *ordinary forms*, were any where seen, *except in those who wished to indulge, under these masks, their* SECRET ENMITY TO THE SUBSTANCE CONTENDED FOR. They must have borne in mind, that, as the plan to be framed, and proposed, was to be submitted to *the people themselves* — the disapprobation of this *supreme authority* would destroy it forever; its *approbation blot out all antecedent errors and irregularities!*"

It seems, then, that the original Congresses and Conventions of the United States, were formed by an "*irregular and assumed privilege.*" How opposed is this statement to Mr. Durfee's idea, of royal colonies, in their crysalis state, winding themselves up in their cocoons; and, in an infinitely small space of time, coming out republics! How contrary to his doctrine of "corporations," and "units." Strange that such great men, and eminent republicans, should so signally disagree!

But have I not sufficiently established the RIGHT

of Change, as effected by "the mighty hand of the people." If I have not, it would seem that there is no platform whereon to rest any prerogative. I shall begin to think that all our* inalienable rights are alienated — as Judge Haile has had the kindness to tell us they may be.

CHAPTER VIII.

THE LANDHOLDERS' CONSTITUTION.

It will be remembered that a Petition from Elisha Dillingham, and others, to the number of five or six hundred, praying for the abrogation of the Charter, and an extension of Suffrage, was presented to the General Assembly, at its January session, 1841. This, and other petitions presented at the same time, as has before been stated, were insultingly passed by, without notice, or action. At the same session the Smithfield memorial, praying for an equalised representation, was also presented; and was acted upon February 6th, by the General Assembly passing Resolutions, requesting the freemen to meet in August, for the purpose of choosing Delegates to a Convention, to be holden on the first Monday of November, 1841, to form *either in whole, or in part*, a *new* Constitution for the State.

* Judge Haile objected that the assertion that all are created free and equal, in popular acception, is not strictly true. Life, liberty, &c. are *inalienable* rights. We *give up* these rights, to secure others.—[Proceedings of Freeholders' Convention, Thursday, November 11.

There is a smack of "*alien*" in that speech, that would suggest the idea of birth and parentage in another than *Rhode*-Island.

At this session the question was brought up, and discussed, whether the General Assembly had any right, or power, to institute proceedings for the purpose of remedying, or changing, the Government of the State. The opinion that the Assembly had not power so to act, without instruction from their constituents, seemed generally to prevail. Mr. Robbins said that here everything came "from the sovereign power of the people" — and again, "Here all power is in the People, and they are sovereign." But what did Mr. Robbins mean by the people? Why the freemen. We shall now see, that the sovereignty which was thus, *theoretically*, bestowed upon the "people," reverted to themselves. The freemen were the creatures of the Assembly. A breath of theirs had called them into being. A breath could annihilate them. They might be ten thousand to-day, and one thousand to-morrow. The Assembly were, according to their own words, then, the creators of the sovereignty; and by their prerogative of creation, or destruction, held it in complete check; so that if there was, or ever had been, any sovereignty in the people; or, as they expressed it, the freemen, the General Assembly had usurped and controlled the whole. How absurd, then, to pretend that they had not power, under the existing institutions, to make whatever changes they would. The House, as a body, probably held the opinion of one of its members, Mr. Robbins. "There is no *practical* evil shown in our present form; and we should act until it *is* shown."

At the June session of the Assembly Mr. Atwell's Bill* was proposed to that body, and by them rejected. This last effort of freedom against despotism, was voted down by a majority of *fifty-two*, against *ten* in favor of the bill.

* See page 85.

The State Committee of the Suffrage Party had suspended their Call for a Convention, hoping that something might yet be gained by their last appeal to the sense of justice in the Legislature. But their hopes were vain; and they proceeded to act for themselves, as above recited.

The Landholders' Convention met in November, and without having formed a Constitution, adjourned, to ascertain, as they said, the wishes of the people, and re-assemble on Monday, Feb. 14th, 1842.

The result of the popular movement, in the forming and adoption of a State Constitution, was transmitted to the Legislature, at the January Session in 1842, by Mr. Atwell, who had been a member of the Suffrage Convention, and was also a member of the Legislature. He at the same time introduced an Act, reciting the results connected with the adoption of the People's Constitution, and requiring the Assembly to yield up its authority to the new government that was to be organised under it. A way was provided in this act, by which the Assembly might quietly dissolve itself, on the day previous to that appointed for the election of the People's officers; so that a provision was wisely made against anarchy, and all its mischiefs. But the General Assembly refused to pass this Act. Mr. Atwell then moved for an inquiry into the number of qualified voters, who had cast their ballots for the People's Constitution. But the Assembly refused to take any such step; they expressed for the doings of the Convention, and the People, a supreme contempt; considering it of no importance, whether they were a majority, or a minority.

No reasonable person can doubt, that this refusal of the Assembly to make official inquiry into the alleged majority, was a tacit admission of the fact. Had they seen any reasonable doubt of its truth, they would have been very willing to expose the

flaw to public view. On the contrary, they perceived that it would be incumbent on them, if the truth of the majority should be established, to yield their allegiance to the sovereign will of the people, and pass an Act confirming the Constitution. This was a neglect of manifest and positive duty, and was the true cause of all the subsequent disorder, suffering, violence, and wrong. Instead of pursuing any meliorating course, the Assembly, at the same session, passed an Act, declaring the People's Constitution to be "a usurpation," and its adoption "an assumption of the powers of government, a violation of the rights of the existing government, and of the *rights of the people at large*;" that is to say, 14,000 men had violated their own rights, by voting for an instrument which was to secure the rights of all.

The General Assembly never denied the majority, though it was often denied by individuals.* The General Assembly did not dare to deny it, officially; but through their individual members, and their Organ, the Journal, the most injurious and false opinions were expressed and circulated. It was represented that a very considerable portion, or the largest portion, of the signers of the People's Constitution, were in forts, or coal mines, or in Ireland, or round Cape Horn, or convicts, or dead. One might have wondered, if he believed the stories, to find a single name on the record.

During all the preliminary measures, all meetings had been called and conducted, according to the ancient usage of the state. Clerks and Moderators were appointed, in due form. It has been objected that the Moderators and Voters were not sworn. In Rhode Island, a Moderator is never a sworn officer; and Voters are never sworn, unless their vote is chal-

* They indirectly questioned the majority, by adopting the Report of the Investigating Committee, but never questioned it by direct action.

lenged; and every challenge that was made, was received at the People's Election; and the vote excluded from the count.

As a strong expression of public opinion, if for nothing more, the case demanded investigation. If the fact that a majority had so voted were ascertained, and made to appear, the question of right in the estimation of the Assembly would have been still open. If the asserted majority had been established as a false assumption, or any serious doubts had been raised concerning it, the controversy must have terminated, or have changed its form. When the General Assembly refused to examine the claims of the opposite party, they admitted their truth; and, as a last refuge, were driven to deny, that the people, without their authority, had any right to act in any official manner, or to reform the government of the State. The Constitution had been thrice ratified; first, by the direct vote of the People; secondly, by the admission of their opponents; and, lastly, by the defeat of the Landholders' Constitution, which had been proposed as a substitute.

Was the course of the Chartists manly? Was it right, thus to continue to dispute, and, by all subtlety, endeavor to disprove facts, which they utterly refused openly to investigate? It has been said that a man who makes charges which he cannot sustain, and will not retract, is a liar.

But admitting that there were a very large number of fraudulent votes; there were still the votes of 4,927 freemen; being a majority of nearly 600 of all the freemen in the State. Here was no opportunity for fraud. Why do not the gentlemen whose names were used fraudulently, come forward and declare the fact? The ballots are registered. They testify for themselves; and settle the question forever.

To show what miserable quibbles were resorted

to, in order to disprove the majority, I will give an instance of a writer in the Journal, of March 3d, 1842. The writer quotes the following passage from Judge Story. "In the adoption of no State Constitution, has the assent been asked of any but the qualified voters; and women, and minors, and other persons not recognised as voters by existing laws, have been studiously excluded. And yet the Constitution has been deemed entirely obligatory upon them, as well as upon the MINORITY who voted against it." From this authority the writer goes on to deduce the very important fact, that because the voters on the People's Constitution, were not a majority of all the men, women, and children in the State, they were no majority at all; and, therefore, that the Constitution in question, did NOT emanate from the WHOLE PEOPLE. Must not that be a hopelessly bad cause, which can admit of defence so weak and miserable as this?

Two Conventions, as we have seen, were in session at, or nearly at the same time; but the principles which governed, and the motives which animated them, were widely different. The first Convention was held by Delegates spontaneously chosen by the citizens at large; the second by Delegates chosen by the qualified Freeholders, who did not amount to more than two-fifths of the people. The object of the first was to extend suffrage, and to form a Constitution, upon the principles laid down in the Declaration of Independence, which should secure to themselves, and their posterity, the precious rights of citizenship, which have been long unnaturally alienated from a large portion of the people of Rhode Island, and to the State a Republican form of Government. The avowed intention of the other, was to remodel the old aristocratic form, which secured to the minority all the old exclusive privileges. To secure the old form unaltered, if possible, or, that

not being the case, changed as little as possible. Many, if not most of them, have since denied this, and declared themselves always friendly to a judicious extension of suffrage. Their action of the last forty years would express a totally different idea; but contradictions do not disturb the serene equinimity of these great men.

The known facts in the case, compel us to believe that the Chartists only favored any degree of reform, so far as they were driven to it, and no farther. A writer in their Organ, the Journal, of 1841, speaks of the Charter in this wise. "And have *we not got on very comfortably? The venerable old Charter, (the oldest written Constitution now valid in the world,) which has carried us safely through the better part of two centuries, is, even now, †worth more than half the State Constitutions in existence. The great principles of ‡civil and religious liberty which it embodies, have now become familiar, and are the common platform of every free government."

And, again, after reciting a long list of excellences, the writer continues. "The Representation should be reformed; and *perhaps*, there should be a reorganization of the judiciary; *but let us handle the venerable instrument kindly;* let us not be misled by any temporary clamor, nor take steps which we may repent, but which we can never retrace. The Charter, which stood up, the bulwark of our liberties before the Revolution, and which the People have lived under ever since, §repeatedly refusing to

* "We, the People?" By no means; but we, the Government.

† Worth *more* than all, undoubtedly to the Government; but less than nothing to the people.

‡ The principles of civil liberty, as secured to the "*Company*," are, doubtless, manifold; but what right was secured to the people at large, I could never find out, unless it was the privilege of catching "dubertus and other great fish."

§ When were the people ever so much as *asked*, whether the

abrogate it, is *not* the cumbrous, useless, and absurd instrument that we are sometimes told it is. The changes of nearly 200 years have, indeed, rendered necessary some changes in the *application* of the principles which it contains, but until human nature changes, there will be no improvement in the great principles of civil and religious liberty, which are acknowledged in the Charter of Rhode Island."

The Landholders' Constitution was laid before that portion of the people, who were, by law, permitted to vote thereon, on the 21st, 22d, and 23d days of March, 1842, and was rejected by a majority of those voting upon the question — which majority was about seven hundred.

This was the SECOND popular triumph. The People had not only sustained their own constitution by a vast majority, but they had rejected that of their opposers. Yet from the fact that so many more had voted in favor of the first, than had voted against the last, the majority was denied. And this denial was busily circulated, at home and abroad, set off by circumstances which were fabricated to support it.

There were many reasons why the vote in favor of the People's, should be much greater than that against the Landholders' Constitution. I will enumerate some of them.

Charter should be abrogated? THEY NEVER WERE. By this assertion, and others of a similar nature, the Chartists have completely deceived the people abroad, as well as many even here. Upon the strength of these authorities, we are frequently told that the people of Rhode Island are strongly attached to their ancient government; that they have repeatedly refused to change it. But let it be always borne in mind, that only the "legal people," the "corporate people," the freeholders, were recognised in Rhode Island *as* people, and that the very existence of all other habitants, and citizens, is, politically, annihilated. This cannot be too carefully borne in mind; for opinions injurious to the Suffrage Party, and their cause, grow out of such mistakes, and will continue to do so, until the people of other states become acquainted with OUR definitions.

1. They had expressed their opinion in their first vote, and there was no occasion for a second rally.

2. Many were intimidated by threats and proscriptions; others were purchased, and many were deceived. The ignorant were carefully instructed in many particulars, which the minority were interested in promulgating. They were told that this Constitution was just about the same as the People's; and if they did not accept it, their lords and masters would be terribly angry, and would not let them have any more making of shoes and coats, nor watching of nights, nor tending of machinery, nor measuring of tape, nor PREACHING OF SERMONS, nor lighting of street lamps, to do at any rate, whatever. These suggestions were but too successfully employed; for the awful frown of the General Assembly, and the *disapprobation* of FREEMEN, had not yet lost their terrors to the bondmen of Rhode Island.

3. The basis of Suffrage in the Landholders' Constitution, was not so broad as that of the People's; so that many who had voted in favor of the last, were not qualified to vote against the first.

I will now give some of the reasons why they *did* vote against it.

1. The Landholders' Constitution contains no offering of gratitude to the Supreme Being — no acknowledgment of his power — no allusion to our venerated Ancestors, to whom the spirit of the Lord was as a pillar of fire, leading them in safety through the howling wilderness, and who testified their sense of his paternal guidance, in the name which they gave to their city of Refuge, when first they knelt upon the cold earth, sealing the baptism with mingled tears of faith, and hope, and joy; and consecrating all the land to SOUL-LIBERTY. It is good to remember these things; but especially is it good to connect them with any great public act, which involves consequences that will be infinite in their

extent — through all posterity. The name of Roger Williams, so associated with our Bill of Rights, would paralyse the impious hand that sought to curtail them, and would quicken the true heart, nerve the strong hand, and elevate the soul to do, to dare, and to be, all that is bound up in that word of deep, and fearful, and mysterious import — MAN.

2. It does not recognise the Natural Rights of Man, nor the Sovereignty of the People, nor the just foundation of Government in their will.

It was moved by Mr. Dorr, who was a member of the Landholders' Convention, that two sections should be added to the first article, which declared "certain constitutional rights and principles," namely:

1. "All men are created free and equal, and endowed by their Creator with certain natural, inherent, and inalienable rights, among which are life, liberty, the acquisition of property, and the pursuit of happiness.

2. "All political power and sovereignty, are, originally vested in, and of right belong to the People."

These sections correspond with the first and second sections of the Declaration of 1790. But the "greater lights" of the Oligarchy objected to the principles, as, "unnecessary, improper, and *not strictly true.*" The principles of the Declaration of Independence were represented as abstractions, which had nothing to do with practice, and no connection with fact. But, had they no connection with the practice of our Revolutionary Fathers? Were *they* mere abstractionists, who spouted forth a theory, merely for the purpose of cutting "rhetorical flourishes," without supposing any necessary connection between that and their subsequent action? Then were they not only fools, but arrant knaves; and it has been

left to the acumen of Rhode Island sages to discover, and publish the fact.

It was further objected that these principles were of no use, whatever, in a Constitution, but to give countenance to revolution; and that all the States that had adopted them had subsequently given them the lie. The Natural Rights of Man were not acknowledged. The extension of Suffrage was not considered a question of *right*, but merely of *expediency*. The motion of Mr. Dorr was promptly voted down; and the Landholders were prudently silent concerning the Rights of Man.

3. It was exceedingly unequal in the privileges it bestowed upon American citizens, the Freeholders still constituting a favored class; who were, in many cases, allowed to vote taxes, without paying them. The privilege of the oldest son was also unnecessarily continued.

4. It made an unnecessary, unwise, and unjust distinction, (unknown in any other State of the Union,) between naturalized and other citizens; requiring of the former three years residence (in addition to the five required by the Law of the United States,) and a real estate in the town where they should offer to vote.

Why, let me ask, why was this strange jealousy—this unjust, this unreasonable distrust of foreigners, which has prevailed too much in Rhode Island? What could they fear by admitting foreigners, properly qualified, to the elective franchise? Is the fact that they have expatriated themselves from their own country, whose every growing tendril was entwined with their very heart-strings, because they could not longer succumb to the galling yoke, or prostitute their manhood on the altar of despotism, any evidence that they cannot appreciate liberty here? They hear great, perhaps exaggerated stories of our freedom, and the advantages ex-

tended to emigrants; and they come here, hope-winged, as to

"The land of the brave, the home of the free."

They come and settle permanently among us; and, by perseverence and industry, they not unfrequently support themselves with credit, and rear their children in such manner as to render them useful members of society. There is an insidious charge often made against foreigners, of poverty, and ignorance, and incapacity to understand or appreciate the blessings of liberty; and, therefore, that they are fit only to be made the tools of designing politicians. Have we forgotten that the son of poor Irish emigrant parents was but lately twice elected the head of the nation? Have we forgotten that poor, oppressed, down-trodden Ireland gave us a McDonough, and a Barry, to rock the cradle of our infant Navy; a Montgomery to die beneath the walls of Quebec? That she gave us a Stark, a Sullivan, a Jackson, a Jasper, and a Scammel; a Carroll, a Smith, a Taylor, and a Thornton, who pledged their lives, their fortunes, and their sacred honor, to sustain the Declaration of our Fathers? What are McPherson, DeKalb, Gates, Stewart, Lee, Pulaski, St. Clair, Hamilton, Baron Steuben, Rochambeau, Chastellux, DeGrasse, Kosciusko, and La Fayette, but THE NAMES OF FOREIGNERS? They *were* foreigners; but they fought for us; and, had it not been for their assistance, our struggle must have been ineffectual. And is nothing due to them, and, through them, to their fellow-countrymen? Is nothing due to the Freedom for which they fought and bled?

Shall we forget the more than Spartan valor — the greater than Roman virtue — of the little band of Irishmen, who, in the Revolutionary War, left their homes, their happy firesides, and the embraces

of their wives and children, for the defence of Philadelphia? They went with naked feet that left tracks of blood along the wintry way. And when Philadelphia, to her everlasting shame, had, of all her exceeding wealth, doled out to her brave defenders, and their starving families, a poor five-hundred dollars, did they attempt to escape from the service of their ungrateful adopted country? No. With true Irish hearts they had wedded freedom; and they now refused to divorce her? They left deep stains of blood, and dead bodies, to be mute witnesses of their devotion, and their truth. Lord Howe, the British General, hearing of their exceeding ill-treatment, sent messengers to the poor naked, starving Hibernians, to extend to them pardon for all past offences — to invite them to return from feeding on husks to the feast of fat things, which should be provided under the renewed favor of their royal master. And how did they receive these messengers? They rejected with scorn the most alluring promises. They clung to poverty, starvation, nakedness, and ingratitude. There was no Judas — no ARNOLD among them. That band of poor, neglected, hungry, naked, forlorn Irishmen, trampled the glittering coin beneath their feet, and told their destined purchasers, that *Manhood was not a commodity* — it *could not be bought.* And do we owe nothing to Ireland, and to Irishmen, for the sake of these?

But I doubt the policy, as well as the right, of that principle of action, which would prevent "*our* country," from becoming "everybody's country." Lord Bacon, who was a man certainly not inferior in wisdom even to OUR greatest men, says: "By those States that have easily and liberally communicated the rights of citizenship, greatness has been most successfully acquired. No commonwealth opened its bosom so wide for the reception of new

citizens, as the Commonwealth of Rome. The fortune of the Empire was correspondent to the wisdom of the Earth. It was their custom to confer the right of citizenship in the most speedy manner. I mean not only the right of commerce — the right of marriage — but the right of SUFFRAGE — and the right to the offices and honors of the republic."—1 Ld. Bacon, p. 245.

Let America, then, still continue to be the "Nursing-Mother of Nations." Let the poor and the oppressed of every clime, flock to her widely-stretching arms. She will embrace them warmly, and cherish them fondly; for her high prerogative is the maternity of the world.

5. The irregular and unlimited power of the Assembly over the Judiciary was continued, together with a right of jurisdiction in divorces, insolvent petitions, and other matters, whose settlement belongs properly to the courts of law.

6. It destroyed the *majority principle*. It was a continuance of the old Rotten Borough system. The Senate and House of Representatives under it, would each, have been chosen by less than one-third of the population.

7. It makes the Government the master, and not the servant of the people, as it should do.

8. It gives the Legislature power to extend Suffrage for particular purposes, and on conditions not recognized by the Constitution.

9. It vested in the Legislature the pardoning power; and not in the Executive; as it should do.

In favor of the opinion that this power should be vested in the Chief Magistrate, Mr. Hamilton gives the following excellent reasons.

"Humanity and good policy conspire to dictate, that the benign prerogative of pardoning, should be, as little as possible, fettered or embarrassed. The criminal code of every country partakes so much of

unnecessary severity, that without an easy access to exceptions in favor of unfortunate guilt, justice would wear a countenance too sanguinary and cruel. As the sense of responsibility is always strongest in proportion as it is undivided, it may be inferred, that a single man would be most ready to attend to the force of those motives, which might plead for a mitigation of the rigor of the law, and least apt to yield to considerations which were calculated to shelter a fit object of its vengeance. The reflection that the fate of a fellow-creature depended on his *sole fiat*, would, naturally, inspire scrupulousness and caution: the dread of being accused of weakness or connivance, would beget equal circumspection, though of a different kind. On the other hand, as men generally derive confidence from their numbers, they might often encourage each other in an act of obduracy, and might be less sensible to the apprehension of censure for an injudicious or affected clemency. On these accounts, one man appears to be a more eligible dispenser of the mercy of government, than a body of men."—*Federalist, No.* 74, *p.* 402.

10. Under the pretence of keeping out *naturalized* citizens, the Rotten Borough Constitution revives the old practice of qualifying with land on *election day;* and a door is opened to great frauds. The People's Constitution gives to the naturalized citizen who has resided the fixed time, his right of suffrage; and protection from improper influence by securing to him *the vote by ballot.* The Rotten Borough Constitution requires of him a real estate of $134; and as soon as he gets it he is a voter "*therefrom;*" and he votes *without* ballot, without protection. *He also votes taxes without paying taxes.* The employer looks round and sees who will take a deed *for a day*, (no previous recording being necessary,) and thus extends suffrage at pleasure. He is secure in doing this; for the voter thus qualified can vote *only in*

the town where the estate lies; and the privilege ceases when he moves away beyond the reach of his employer.

11. It unnecessarily provided for *three*, if not *four* sessions of the General Assembly, in one year, and did not assign the sessions so favorably to other portions of the State, besides Providence, as did the People's.

12. It contained no just principles of *Amendment.*

13. They had established a Constitution, in their opinion, legally and rightfully; and it would be now boys' play to exchange it at all, and worse than idle to give it up for one which they considered in almost all respects inferior.

And, lastly; the most cogent reason why they did not accept it is, that if that were rejected, they might, probably, get A BETTER, even if they were not permitted to retain their own.

The above are some of the most weighty reasons why the Landholders' Constitution *should have been* defeated, and why it *was* defeated. To these I will subjoin *another*, for which we are indebted to the *invention* of the Chartists, which is, with them, an exceedingly active — nay, *predominating* faculty. I have no doubt that they have invented more "facts" than any other body of men of equal number, that could be selected. One would think, indeed, that the mantle of a certain Yankee, whose remarkable gift in this particular has rendered his name a proverb, magnified and multiplied itself infinitely, and had fallen upon each of them. What a full and lucid exposition of the facts in the case is here given! How concisely, and yet how clearly it explains the philosophy of all the struggles, memorials, and conventions of the people, for the last many years! All the popular movements in opposition to the old government, before recited in this volume, were, undoubtedly, made *without any mean-*

ing, or the least practical intention; but merely, as a certain *Honorable gentleman said, "for the EXPRESSION OF AN OPINION." How excellent the genius of some men is, in their power of disguising the plain, naked truth — of making what is obvious and simple, appear mysterious!

Every force that could be brought to bear in favor of this Constitution had been employed by its advocates. Coercion, persuasion, bribes, threats, falsehoods, treachery, family influence, and religious and legal authorities. Ministers volunteered sermons, to show that man has no *natural* rights; and Judges volunteered opinions, to prove that the natural people have no *political* rights; whence it followed, from their joint evidence, that the corporate people have ALL the rights, and the great body of the people have NO rights. Lawyers became lecturers, and Governors, Ex-Governors, and Senators, poured out all their eloquence — and ALL IN VAIN. The FACT stood out in bold relief, that the Landholders' Constitution *was* REJECTED. It was, indeed, the most stubborn of all facts. It would not bend itself at all, nor succumb in the least, even to the "express will and pleasure," which had never before been exerted in vain. The General Assembly was stricken aghast! There were *signs* in the times which they could not comprehend!

* One of our honorable Judges of the Court of Common Pleas, after turning traitor to the Suffrage cause, said he voted for the People's Constitution, merely as an "*expression of opinion.*" *How much is it worth?*

CHAPTER IX.

THE ALGERINE LAWS.

At an adjourned session of the General Assembly, March 30th, Mr. Atwell brought in a Bill on his own responsibility, proposing to submit the People's Constitution *to the same body who had voted on the Landholders'* — if adopted, it might become the law of the land. If rejected, the matter ended. He thought it would heal all difficulties. The State had been divided on the important question, whether the sovereignty was in the people, or in the Legislature. The Assembly were asked to submit this Constitution to the people. It was a mere request to the people to vote for, or against, a Constitution. This very Assembly, chosen by the Freemen, had authorised a Constitution to be put forth, by a body of men as large again, perhaps, as the Freemen. They were only asked to do *the same thing again.*

Mr. Randolph objected to the Bill, on the ground that the sovereignty existed in the Freemen, and not in the people at large; that those were the legal people; and no act could be legal or justifiable, unless sanctioned by them. He thought it would be *an imposition* to submit this Constitution to the people.

What can be understood by this, but that the legality of any measure depended upon THE WILL of the General Assembly, and nothing else? That body had all necessary power to qualify others than freeholders, to vote on their *own* Constitution; but they had no power to provide that *the same persons* should vote on *the People's Constitution.* Where was the foundation of power in the one case, and want of it in the other? In the omnipotent WILL of the Legislature. Mr. Atwell's bill was lost by a majority of *fifty-nine* to THREE.

Mr. Mathewson introduced a resolution, reciting the events connected with the two-fold expression of the popular will, and proposing that a committee be raised, and instructed "to report to this Assembly, a statement of all the important facts connected with the formation and rejection of said Constitution; and to report their opinion, whether any legislation is necessary on the subject; and, if any, what." The resolution passed unanimously.

Thursday morning, March 31, Mr. Atwell asked leave to withdraw the resolutions of yesterday, and submit the following. "Whereas, a joint committee has been appointed by this General Assembly, at the present session, among other things, instructed to report to this General Assembly, a statement of all the important facts connected with the formation and rejection of the Constitution, lately rejected by the people of this State, in order that the people may be accurately informed, as far as practicable, of the facts which led to its rejection; and, whereas, it is equally important that the people of this State should know, as far as practicable, the whole truth in the premises, and should be informed as to the various means used *to secure its adoption*, as well as rejection; whereupon,

Resolved, That said Committee be further instructed, to inquire, and to report to this General Assembly, what improper means were used, (if any,) to influence the people of this State in voting for, or against said Constitution, with power to send for persons or papers.

This resolution was laid on the table for the consideration of the Speaker on a point of order. On being called up again, the Speaker decided against it, as being the same as that of Mr. Mathewson. The motion was lost by a majority of 59 to 7.

April 1, Mr. Barber from the committee to whom was referred the joint resolution requiring all the facts relating to the rejec-

tion of the late Constitution, and to enquire what legislation is now necessary, reported,

That those opposed to that Constitution, had falsely represented this government to be an aristocracy, while in fact it was a democracy. That a portion of the state was dissatisfied with the inequality of representation.

That the Assembly had ever shown a disposition to encourage the formation of a Constitution. It recited the attempts of Mr. Pearce and Mr. Dorr, at different times, to extend suffrage. It further gave an historical account of the action of the Assembly for a long period, in relation to a Constitution, and particularly in relation to the petitions, debates, and legislation in reference to the last Constitution.

It characterised the movements of the Suffrage Party, as revolutionary and illegal, and in disregard of the fundamental laws of the State, for 200 years, requiring a freehold to vote.

The People's Constitution was formed by a minority of the people, only 7,000. The unlawful convention acted without law and against law. They formed and voted for their Constitution illegally, and illegally declared it to be the supreme law.

The legal convention in a proper manner put forth their Constitution to the people.

The history of the subsequent debates and resolutions of the assembly were then recited, and the various propositions of Mr. Atwell, were adverted to.

The People's Constitution was considered merely as indicating the wishes of the people for an extension of suffrage.

It was expected that the people would have received the Constitution in the same spirit in which it was offered. But misrepresentations were used to defeat that Constitution.

It commented in severe terms on the motives of the Suffrage men, and characterised them as deluded men.

The report was very lengthy, and closed by directing a proclamation to be issued, and that the report and proclamation be published in all the papers.

The Committee, it was evident, had only reported the facts which led to votes *against* it, and stated nothing of efforts made *for* it. They did not state the plain reasons that operated against it. They did not give the greatest of all objections, that *it placed the power in the hands of the* MINORITY, and that the extension of Suffrage was *deceptive*. They said nothing of the fact, that the people were told that they would not have the privilege of bearing arms under the People's Constitution — an argument that was

frequently and profitably used. They said nothing of the great number of Petitions, and the action in relation to Suffrage.

Hazard's insulting Report, in which 2000 Memorialists, who announced themselves as permanent residents of the State, were designated as "*aliens*," as "loose and floating population," and thus stigmatised as liars, was probably one of the *conciliatory* measures of the General Assembly. What must the *severity* of that august body be, if such are its *conciliatory* measures; or what could the people expect from them, whose *tender mercies are cruel?*

Mr. Randolph said; "that Report was able, and *silenced* the agitation for an extension of Suffrage. That Report was made soon after the Convention had decided, with only 7 votes in opposition, that there should be *no extension of Suffrage.*"

What a precious confession was that! and yet, what schoolboy would have been so weak as to make it? And that, too, in connection with the debate on the Report of the Enquiring Committee. By it Mr. Randolph gave the lie to the Committee who prepared the Report — to the Assembly who adopted it, he assumed the lie himself! The Committee said the measures of the Assembly had been conciliatory. The Assembly adopted that assertion; yet the honorable gentleman showed forth one of their *chief* measures, in the true Rhode Island Algerine spirit — The People's cries for RIGHT were SILENCED!!! An almost unanimous Convention had decided that there should be NO EXTENSION OF SUFFRAGE!!!

The Committee never reported that all those Conventions were exclusive in their character — that from them the great body of the People were always cast out; that the People were neither *admitted*, nor REPRESENTED; that the Conventions never acted with regard to the RIGHT OF THE MAJORITY, but only

in regard to the PRIVILEGES OF THE MINORITY! And such only has been the course of action of this State.

Strengthened in audacity by its own conscious omnipotence, falsehood had become a familiarly-worn and well fitting garment; the Government of Rhode Island stood above question, and beyond censure. It felt no obligations to be either just, or true, any farther than self-interest swayed. It called itself Republican. It told the people they were free; and it could no more be questioned for the falsehood that was incorporated into its character, than Bacchus might be called in question for drunkenness, or Jupiter for licentiousness! It contained within itself all the elements of despotism. It was none the better that it had many Favorites, instead of few. It was none the better that there were many Despots, instead of one. It was only worse; as a HYDRA is more hideous and abominable than a ONE-HEADED MONSTER! It stood forth to the world *a Whited Sepulchre* — without, goodly and fair to look upon; but within was rottenness — the decaying elements of murdered Liberty!

In the afternoon, Mr. Keech, of Burrillville, offered a Bill providing for the repeal of the present election law; and that the next election of officers be holden according to the provisions of the People's Constitution.

Mr. Atwell hoped the Bill would be withdrawn; he did not think it the best means of quieting the State.

Mr. Keech said that the friends of the last Constitution put the question on the ground, that it was *a choice between the two Constitutions*, and he read resolutions passed in the city of Providence, by the friends of the Landholders' Constitution, setting forth that WE COULD NOT FALL BACK ON THE CHARTER, but that the question was, whether the Landholders'

Constitution should be adopted, or the People's Constitution carried into effect.

The Bill was lost, by a majority of 52, against 2.

Mr. Atwell called up his Bill to put the People's Constitution to the people who voted on the last, to be voted on again.

Mr. A. said this appeared to him to be the best and the only way of settling the question — let this Constitution go to the people, the only rightful power to decide on this question. If it is voted for by a majority, it will, on the principles of the Assembly, be the law of the land; if rejected, on the principles of Suffrage men, it will not be the law.

There can be no doubt as to the power of the Assembly to do this. The law derives all its force from the ratification of the people, no matter who proposes it.

Let us not give the people room to say that we fear the authentic will of the people will become the law of the land. If adopted it settles the question; if rejected it settles the question.

There will then be no need of the bill of pains and penalties that may cause losses and troubles to many of our citizens, and may cause much trouble in the State.

The Bill was lost by a majority of 59 to 3.

Mr. Burgess, of Providence, then submitted a Bill, extending Suffrage to the same extent, as was proposed in the Landholders' Constitution — read, and laid on the table for a second reading.

April 2d, the Act in relation to offences against the sovereign power of the State, better known as the Algerine Laws, was brought up, and passed, by a majority of 60 to 6. Messrs. Atwell, W. S. Burgess, Gavitt, Keech, Thurston, and Walling, voting against the Bill. I give their names, that so long as time lasts, they may be honored as the Rhode Island

"Council of Six," who stood up in the strength of freedom, and of manhood, against the host of tyrants.

The following is a copy of the Algerine Laws, and of the Resolutions which accompanied them.

Resolved, That his Excellency the Governor, be requested to issue his proclamation to the good people of this State, exhorting them to give no aid or countenance to those who, in violation of the law, may attempt to set up a government in opposition to the existing government of this State, and calling upon them to support the constituted authorities for the preservation of the public peace, and the execution of those laws on which the security of all depends.

Resolved, That the report, and the act accompanying, be published in all the newspapers in this state, that copies be printed in pamphlet form, and that the Secretary of State cause the same to be forthwith distributed in the several town of this State and the city of Providence, and that copies of the same be sent to the Governors of each State, and a copy each to the President, Vice President, members of the Cabinet, Senators and members of the House of Representatives of the United States.

Resolved, That his Excellency be, and he is hereby authorised to adopt such measures as in his opinion may be necessary in the recess of this legislature, to execute the laws and preserve the state from domestic violence, and that he be, and is hereby authorised to draw on the General Treasurer for such sums as may be required for these purposes.

AN ACT in relation to offences against the Sovereign power of this State.

Whereas, in a free government it is especially necessary that the duties of the citizen to the constituted authorities should be plainly defined, so that none may confound our regulated American liberty with unbridled license; and whereas, certain artful and ill-disposed persons, have for some time past, been busy with false pretences amongst the good people of this state, and have formed and are now endeavoring to carry through a plan for the subversion of our government under assumed forms of law, but in plain violation of the first principles of constitutional right, and many have been deceived thereby: and whereas this General Assembly at the same time that it is desirous to awaken the honest and well meaning to a sense of their duty, is resolved by all necessary means to guard the safety and honor of the state, and overlooking what is past, to punish such evil doers in future, in a manner due to their offences:

Be it enacted by the General Assembly, as follows:

SECTION 1. All town, ward or other meetings of the freemen, inhabitants or residents of this state, or of any portion of the same, for the election of any town, county or state officer or officers, called or held in any town, of this state or in the city of Providence, except in the manner, for the purposes, at the times, and by the freemen by law prescribed, are illegal and void: and that any person or persons who shall act as moderator or moderators, warden or wardens, clerk or clerks, in such pretended town, ward or other meetings hereafter to be held, or in any name or manner receive, record, or certify votes for the election of any pretended town, county or state officers, shall be deemed guilty of a misdemeanor, and be punished by indictment with a fine not exceeding one thousand nor less than five hundred dollars, and be imprisoned for the term of six months: *Provided however*, that this act is not intended to apply to cases, in which, by accident or mistake, some prescribed form or forms of calling town or ward meetings of the freemen of the several towns of this State, and of the city of Providence, shall be omitted or overlooked.

SEC. 2. Any person or persons who shall in any manner signify that he or they will accept any executive, legislative, judicial or ministerial office or offices, by virtue of any such pretended election in any such pretended town, ward or other meeting or meetings, or shall knowingly suffer or permit his or their name or names, to be used as a candidate or candidates therefor, shall be adjudged guilty of a high crime and misdemeanor, and be punished by indictment in a fine of two thousand dollars, and be imprisoned for the term of one year.

SEC. 3. If any person or persons, except such as are duly elected thereto, according to the laws of this State, shall under pretended constitution of government for this State, or otherwise, assume to exercise any of the Legislative, Executive or ministerial functions of the offices of Governor, Lieutenant Governor, Senators, members of the House of Representatives, Secretary of State, Attorney General, or General Treasurer of this State, or within the territorial limits of the same, as the same are now actually held and enjoyed, either separately or collectively, or shall assemble for the purpose of exercising any of said functions, all and every such exercise of, or meeting for the purpose of exercising all, any, or either of said functions, shall be deemed and taken to be a usurpation of the sovereign power of this State, and is hereby declared to be treason against the State, and shall be punished by imprisonment during life, and is now by law prescribed.

SEC. 4. All offences under this act shall be triable before the Supreme Judicial Court only. Any person or persons arrested under the same, and also for treason against the State, may be imprisoned or held in custody for trial in the jail of such county

of the State as the Judge or Justice issuing the warrant may order or direct; and the sheriff or other officer charged with the service of such warrant, shall, without regard to his precinct, have full power and authority to take such person or persons and him or them to commit to any county jail in this State, which may be designated by such Judge or Justice; and it shall be the duty of all sheriffs, deputy sheriffs, town sergeants, constables and jailors to govern themselves accordingly. All indictments under this act, and also all indictments for treason against this State, may be preferred and found in any county of this State, without regard to the county in which the offence was committed; and the Supreme Judicial Court shall have full power for good cause, from time to time, to remove for trial any indictment which may be found under this act or for treason against the State, to such county of the State, as they shall deem best for the purpose of ensuring a fair trial of the same, and shall upon the conviction of any such offender or offenders, have full power to order, and from time to alter the place of imprisonment of such offender or offenders to such county jail within this State, or to the state prison as to them shall seem best for the safe custody of such offender or offenders, any acts, law, or usage to the contrary notwithstanding.

Mr. Atwell when called, asked to state his reasons for his vote. "He voted against it, because the exigencies of the State did not require it, and it would be certain to disturb the peace of the State!" The Supreme Court have already said that the acceptance, or exercise, of any of these offices, was treason — therefore the Act was unnecessary. He had said at the June session *he was opposed to carrying any government into operation by force* — he was ready to redeem that pledge. It was because he did not wish the government carried into operation by force, that he voted against the Bill, as the Bill would produce that."

Mr. Randolph, when called, said that "he felt it was the duty of the Assembly to pass a law TO LET THE PEOPLE AT LARGE KNOW WHAT THE LAW IS; and that THE ASSEMBLY ARE DETERMINED TO STAND BY THEIR AUTHORITY." Probably Mr. R. considered the passage of the Algerine Laws as a "*conciliatory*" measure, and that opinion a "conciliatory" opinion!

How benevolent thus to enlighten the ignorance of the common people — to "*let them know what the law is*" — and how characteristic was the fact specified, that "*the General Assembly would stand by their Authority.*"

The above Act was what the Journal was pleased to call a "Paternal warning." Comment is unnecessary.

Mr. W. S. Burgess, called up his Bill to extend suffrage to the extent named in the last constitution.

He said that it was admitted that many of those in favor of the People's Constitution voted against the last, and it is also claimed by the members of this House, that a majority of our constituents, the Freeholders, voted for the last Constitution. Therefore, the last expression of their opinion is, that suffrage should be extended as far as that instrument goes. Both parties are in favor of it. Who knows what effect that conciliation would have. After the strong acts passed, it would show that the house was disposed to yield something to a spirit of conciliation.

This bill was the moving cause of considerable debate, in which the friends of Equal Rights strongly urged the propriety of the measure, alledging that there was no doubt, had the Convention confined its action to the Extension of Suffrage, that the people would have been satisfied, even with the limited extension provided in the last Constitution; but they did not want it extended four times as much in one part of the State as in the other. They did not want their extension in "*such bad company,*" as it found in the Constitution.

And, upon the ground that the people had refused to bind themselves by a Constitution, which would, instead of securing their own liberties, be a guard and protection of the Oligarchy, and would forever concentrate the power in the hands of the Minority, it was urged on the other hand, that the people *did*

not want an extension of suffrage; that they had said *they would not have it.* It was announced, moreover, that since the people "would not have this extension, when *the Freemen were willing to extend it to them, and to pacify them,*" they should fall back on the old Charter. Mark the lordliness of that expression! Does it sound as if the Government were subject, or master? They were willing to "*pacify*" the people, who were clamorous only for RIGHT! As if they were a company of snarling, hungry dogs, and should be satisfied, when their masters, in the abundance of their condescension, had been pleased to throw them each a bare bone!

Such has always been the tone of address, which the unenfranchised people of Rhode Island have met from the Government. They have never been treated as rational and intelligent beings. They have never been treated as MEN. Their respectful petitions, asking only for the simplest rights of man, were met with insult, ridicule, and contempt; and when they arose in their majesty, and, of their own will, resolved to be free, they were treated as CRIMINALS; and a code of special laws was enacted against them, which repudiated the Declaration of Independence, the Articles of Confederation, the Constitution of the United States, twenty-five of the State Constitutions, the lives and Fathers of the Revolution, the Revolution itself, the opinions of European patriots, the sentiments of ancient sages, and the writings and principles of our ablest cotemporary statesmen; and which, indeed, for its open and audacious violations of right, would have disgraced the much-abused State, whose name it bears! It is strange that the people were not driven to desperation — that they could have been restrained in anywise!

But I return to the debates. The Speaker said he thought the principal reason which induced the mass

to go against the last Constitution, was because they had a Constitution already legally adopted. The mass of the Suffrage Party were made to believe this. The mass of this party were not judges of Constitutional law, and they sought information of those who took the lead, to find what was the law; they looked to those legal gentlemen who went with them. By those they were led to believe that they had this right to form their Government in their sovereign capacity. They had the legal opinion of high legal gentlemen; but does that paper show that in the opinion of those gentlemen, that Constitution was the paramount law of the land? He believed no legal gentleman would say that Constitution was the paramount law of Rhode Island, and he did not believe any of them thought so, nor does that opinion say that, but implies it.

He could have said in January that a great majority of the people were in favor of this extension, but he could not now say that.

Mr. Atwell said the opinion alluded to was the opinion given by him in his place under the sanction of his oath — and afterwards written out, he had never since written anything to show that he deemed the People's Constitution was the paramount law — because that depended on the fact whether a majority of the people voted for that Constitution.

He had no doubt as to the right of the people to form a Constitution in that manner, if a majority voted for it. Since that time he had reflected much on that point, and was confirmed in that opinion. He must admit that the result of the last vote had somewhat shaken his opinion as to the majority.

Nothing could have been more unfortunate than this surrender of the ground, by Mr. Atwell. It was the first direct blow that the Suffrage Party received. The admission was made incidentally; and with what motives I cannot pretend to say; but, consider-

ing it in connection with the whole course of Mr. Atwell, I must believe it was never intended to produce such an effect; nor was it from a pusillanimous, and mean desire of forming a convenient stepping-stone, or inclined plane, from the weaker to the stronger party; from the unpopular, to the popular side. It is generally thought that the concession was made with the hope of provoking a thorough examination, and such I believe to be the fact.

The House was called, and the bill to extend Suffrage was postponed. Only Messrs. Atwell, Burgess, Gavitt and Keech, voting against the postponement.

Thus we see that no less than three efforts were made, at this single session, to conciliate the Government and quiet the agitation of the State; namely, that of Mr. Atwell proposing to submit the People's Constitution to the same persons who had voted on the Landholders'; that of Mr. Burgess, proposing to extend Suffrage as far as it is provided for in the same Constitution; and that of Mr. Keech, proposing that the existing election laws should be repealed, and the next election should take place, according to the provisions of the People's Constitution. These were all lost, by the overwhelming opposition of the Assembly; two of them being voted down by almost unanimous votes, and one postponed without action.

Notwithstanding these glaring facts, it was afterwards busily circulated here, and industriously spread abroad, that the people *might have had all they asked for;* but they had always rejected the kind overtures of the Assembly, who were ever willing to extend to them the most liberal concessions: that they were, in short, bent on blood and plunder, and would be satisfied with nothing else. How wickedly false those assertions were, they who fabricated, and adopted, and circulated them, should best know.

The people would have accepted of a very limited extension of suffrage — they would have accepted

of almost any terms, rather than have proceeded to violence. Had they really been what their enemies represented them to be, or otherwise than as they were, they certainly would have carried their points, triumphantly. They embodied almost the entire physical force of the State. They had precedents in their favor, and all authorities to back them; and they probably would have established their government without spilling a single drop of blood. But there were many among them who had conscientious scruples against war in any shape; and there was a revulsion of feeling, in almost the entire body, at the thought of *civil war*. They shrunk from it with abhorrence. They had neighbors, and friends, and near relatives, who would be incorporated in the opposite ranks. They would not incur the remotest possibility of severing all those old, and dear, and sacred ties; and quenching those deep and living affections in blood. And, in this view of the case, how much more honorable to them, as men, is defeat, than any success would have been, which would have been purchased at the expense of principles, that were cherished more deeply, and dearly, than life itself. There were other causes also; for it seemed as if everything conspired to render each effort signally unfortunate. But I anticipate. I trust this will be made manifest, as I proceed.

And here let me advert a moment to the *grand objection* that was made to all the Conventions, and official acts of the people. It was this, that they were *not called by the Legislature;* and, therefore, were illegal. The Assembly had *requested*, or *invited*, the Freemen to assemble themselves in Convention, and, therefore, they were said to act *legally*. Let us examine this. An official command, to be legal, must be binding. There was no law in existence, to say that the Freemen should accept that invitation, or to enforce an annexed penalty, in case of

non-compliance. What, then, gave the mere request of the Assembly the force of law? What *is* law?

The Reviewer of Montesquieu says, "It means a rule of action, prescribed by an authority, invested with competent power, and *a right so to do.* This idea of law comprehends that of a PENALTY, consequent of its infraction, of a tribunal, which determines the penalty, and a physical force to put it into execution."

The word, itself, is said to be "derived from *ligando*, which means tying, or obliging; because *it obliges the subjects to its performance.*"

"Authority," says Godwin, "in the last of the three senses alluded to, is where a man, in issuing his precept, *does not deliver that which may be neglected with impunity;* but his requisition is attended with a sanction, and the violation of it will be followed with a penalty. This is the species of authority which properly annexes to the idea of Government." — Godwin's Enquiry concerning Political Justice, vol. 1, pp. 189–90.

The idea of *penalty* is inseparable from that of law. What, then, gives such potency to a mere request, or invitation, which may be accepted, or not accepted, and the neglect of which involves no forfeiture, or penalty? Is the General Assembly an investment, or impersonation of the legal spirit, so that its mere requests — its simple invitations, have the force and virtue of law? Why, then, were not those freemen who neglected to obey the call, punished, as for wilful misdemeanor? Will any pretend that they were so; or that they incurred even the slightest penalty by their neglect, or non-attendance? Whence, then, the boasted legality of *their* measures, and the anathematised *il*legality of the people's? If any person can point it out specifically, I should be very happy to perceive it.

The truth is, the condition of things in Rhode

Island had reached that point, which is so well described by one of the ablest political writers, during the early days of our confederated Republic. He says, "While men could be persuaded that rights appertained **only to a certain class of men*, or that *government was a thing existing in right of itself*, it was not difficult to govern them authoritatively. The ignorance in which they were held, and the superstition in which they were instructed, furnished the means of doing it; but when the ignorance is gone, and the superstition with it; *when they perceive the imposition that has been acted upon* them; when they reflect that the cultivator, and the manufacturer, are THE PRIMARY MEANS OF ALL THE WEALTH THAT EXISTS IN THE WORLD, beyond what nature spontaneously produces; when they begin to feel their consequence, by their usefulness, and their right, as members of society, it is then no longer possible to govern them, as before. *The fraud, once detected, cannot be again* reacted. To attempt it, is to provoke derision, or invite destruction."

And this our Legislators must long since have seen, had they not been, to quote the pithy words of Milton, "accustomed from the cradle, *to use their* WILL only, *as their* RIGHT HAND, their REASON always, as their *left*."

They had sought to drown the voice of Right, by trumpeting abroad the sound of great names — not the names of the *undying* great; for they have always been, and always must be, associated with the cause of Liberty and Right, not with Oppression, and with Wrong; but names invested with the petty popularity, of lordship in this little Kingdom of Rhode Island: and they might as well have attempted to silence the deep-toned and eternal Thunder, with the squeaking of a penny whistle! It had

* These opinions are *orthodox* now, in Rhode Island, and the contrary are *heterodox*.

been frequently asserted, and reiterated again and again, by the popular leaders of the Chartists, in the presence of thousands, that, if the Landholders' Constitution should be rejected, *we could not fall back on the Charter;* but the People's Constitution must become the Law of the land. This was held out as an inducement to the friends of Law and Order — or, in more appropriate terms, the enemies of freedom, to sustain the Constitution. But when that Constitution was rejected, it was announced with perfect *nonchalance*, that we should fall back on the Charter; and it was denied, *point blanc*, that any contrary assertions had been ever made, notwithstanding resolutions to that effect, stood recorded in fair print, (the print is the only fair thing about it) in their organ, the Journal!

Directly after the unfortunate admission of Mr. Atwell, before alluded to, it was gravely announced in the Journal, that the gentleman had left his party, and had cordially embraced the Chartists; whereupon his course and character were extolled, in a manner which must have been very flattering, considering the source from whence the fine sayings emanated. This was designed as a noose, wherein to catch a brave helper; but the springes that will catch hares and woodcocks, the elephant tramples under foot without harm or danger. Notwithstanding the quite unfortunate issue of this first attempt, such falsehoods continued to be in circulation from time to time. Indeed, there was hardly a well known man among the suffrage ranks, who was not, at some time, reported as a traitor. These reports might have the chance of doing some good, until they were corrected. They intimidated the hesitating and cautious among the Constitutionists, and they gave a momentary opportunity for petty triumph to the foes of Freedom.

Having all the power in their own hands, the

Chartists, in their iniquitous schemes, succeeded but too well. By the grossest misrepresentations — by the most audacious falsehoods, they have so veiled and disguised the truth, as to deceive many, even here; for their impudence sustained them, when nothing else could have done it; — it is so difficult to believe that men of the highest standing in society, who, though they may have no moral sense in the way, will yet compromise their character as men — their honor as gentlemen, by stooping to the lowest quibbling — the meanest, the most degrading falsehoods — and that, too, in the open face of honest day-light! I am aware that many will think I indulge in uncalled-for severity; but let them study the whole policy of the Charter Dynasty, during the last three years, and *then* give an opinion.

The Chartists have also engrafted their own views of this affair, to a very considerable degree among the people of the neighboring States; so that little of the truth, relating to the subject, is known among them. They have represented it as a low, degrading, mean, miserable affair, got up exclusively by those in the lowest conditions of life; it was, therefore, *vulgar;* and only the vulgar could advocate its principles — as only the vulgar had dictated, and attempted to carry out its measures. It was, in short, the most *plebeian* question, that ever came before an American public; and as the love of approbation — vanity — is, in the present condition of society, educated and developed, to the neglect, if not the utter exclusion of higher and nobler principles, it follows that whatever is devoid of an imposing aspect — of gilded trappings, finds but small share of consideration and esteem, in the eyes of those who are blind, in all other light, but such as is reflected from high places. There was nothing in the suffrage movement, to attract what I should call the vulgar eye. It had none of the attributes of earthly dignity, or

grandeur. It did not originate in high places, but on the contrary, emanated from a class of citizens, whom it is very genteel and fashionable to despise, or to notice only by patronizing attentions. Its great and severe principles of truth, had little attraction for those who have neither ear, or eye, or heart, capable of perceiving a virtue, beyond the approbation of the great; and who would sell their souls, if they had any, rather than appear to favor anything not of the highest fashion — not perfectly genteel. Such were a great proportion of our opposers. Many, without doubt, were really honest in their opinions; having become unconsciously warped by the false views, and false requirements of society.

I will conclude this chapter, by giving a quotation from a distinguished political writer, which embraces some points not generally understood; and which are, nevertheless, the very stamina of political science.

"But the case is wholly different, with respect to the institution of civil government, organised on the system of Representation. *Such* a government has cognizance of *everything*, and of EVERY MAN, as a member of the national society, *whether he has property, or not;* and, therefore, the principle requires that every man, and *every kind of right*, be represented, of which the right to acquire and hold property is but one, and that *not* of the most essential kind. The protection of a man's person, is more sacred than the protection of his property; and, besides this, the faculty of performing any kind of work, or services, by which he acquires a livelihood, or maintains his family, *is of the nature of property.* Is *is* property to him. He has acquired it; and it is as much the object of his protection, as exterior property, possessed without that faculty, can be the object of that protection to another person.

"In a political view of the case, *the strength and*

permanent security of government, is in proportion to THE NUMBER OF PEOPLE *interested in support of it.* The *true* policy, therefore, is to interest THE WHOLE, by an EQUALITY OF RIGHTS; for *the danger arises from exclusions.* It is possible to exclude men from the right of voting; but it is impossible to exclude them from rebelling against that exclusion; and *when all other rights are taken away, the right of* REBELLION IS MADE PERFECT."

CHAPTER XI.

THE JUDGES.

I MUST now go back a short space, in order to notice the part which the Honorable Judges of Rhode Island took in the contest. They volunteered their opinions, as has been before stated, pledging themselves to sustain the Oligarchy, against the known will of the People. Their course had the direct and inevitable tendency to produce a pre-judgment against the people, and to obstruct fair trials, and unbiased verdicts, in cases likely to arise out of the contest. They forgot that they were robed as judges, to expound the law and the Constitution, and *not* the craven tools of a party; and their ermine was soiled, and became leprous, with their base and sordid truckling to popularity. They, indeed, showed themselves well skilled to

> "Turn their halcyon beaks
> With every gale and vary of their masters,
> As knowing nought, like dogs, but following."

Before any case had actually arisen, and immediately preceding an election, which they knew would

be warmly contested, they declared that it would be lawful for one party to vote, and unlawful for the other party to do so. They exerted all the influence of their character and station, subjoined to imposing authorities, to overawe the people, and silence them into submission; thundering out their official anathemas against man, for claiming to exercise the simplest rights of man, with a disregard of all truth — a violence and passion, which would better become the ministers of Nicholas, or Mahomed, than ermined judges of an enlightened and free country.

But I must here give a moment's attention to an address "To the Members of the General Assembly," from the pen of Judge Pitman. The honorable Author assumes, in the onset, to be governed by no ordinary degree of candor, and to hold party, party spirit, and party movements, in singular abhorrence; exhibiting in this assumption, a degree of effrontery which is quite remarkable, even in Rhode Island, considering that he was volunteering his opinion, in advance, *for the express purpose of strengthening a Party*, and that in manifest violation of right.

With singular ill-judgment he seeks to sustain the acts of his Party, by selecting passages from Washington's Farewell Address, which apply to Rebels — the violent and lawless *invaders* of Right — but distort and misapply them though he did, they still go for nothing, against the great doctrines which have been made the basis of the Suffrage Movement; and to the independent assertion of which, Washington, himself, was indebted for all his distinguishing greatness. He was the first successful champion of Man's inherent equality — his natural capabilty of government, and right to participate in that government; and had he been other than that, had he been governed by the political axioms of modern Rhode Island, by the principles which Judge

Pitman, himself, was assisting to establish, he might have been a great general, a great hero, a great TYRANT, a Napoleon, a Hannibal, a Cæsar, but never the ideal which the world has recognised in WASHINGTON.

In order to render it odious, he takes special pains to institute a parallel between the Suffrage Movement and Shays' Rebellion; though he must have known that there was no other resemblance between them, than that both parties complained of wrongs. The specific object of Shays' men, was to overthrow the Government, and right themselves by force, and the first movement was directly towards that object. On the contrary, the Suffrage Party had respectfully petitioned, for more than half a century, for a redress of grievances — for a restoration of the rights, which they knew they might justly claim. They had long seen themselves deprived of citizenship, of manhood, and its dearest prerogatives. They were not merely held in complete and involuntary subjection to the ruling powers, but their political being was destroyed — their very existence, in a legal sense, was annihilated; yet their patience was not exhausted. With the forbearance of men, in the strength of reason, that holdeth passion in subjection to itself, urging always that Truth and Right must finally prevail, they bore indignities the most degrading, insult the most shameful, until forbearance ceased to be virtue, and long-suffering degenerated into meanness. They then threw themselves upon their reserved rights, as human beings, and resolved to regain their birthright. They met together, and reasoned upon the subject. They became strengthened in their determination. They consulted wise men among the living, and works of eminent departed statesmen. All confirmed — all strengthened them. They sought not to effect reform by any act of violence; but by authority of

the great American principle, which has been repudiated in Rhode Island, that when a people have outgrown, or become dissatisfied with their constitution of government, they may change it, *without an appeal to force*, simply by virtue of their inherent sovereignty — "the right of free-born men, to be governed as seemeth to please them best." It is a fact worthy of all admiration, that they were not driven, in madness, and sheer desperation, to acts of violence. Invention was exhausted in contriving abuses — in fabricating slanders foul and monstrous — Robbery, Arson, Murder and Rape, were represented as their specific objects — and so *well* represented, that many weak and deluded people, believed they were the most important constituent principles of the cause itself. Deluded, and weak, indeed, they must have been, to believe such miserably shallow inventions! But there are weak people everywhere; and recent events have proved that we have our full share in Rhode Island. Then came the Algerine Laws to goad them on — to make it treasonable for them, even to meet and consult together, and dangerous to utter a free thought! It is truly the most wonderful fact of the age, that they were not exasperated into perfect phrensy! How absurd, then — how cruelly false and wicked, to institute such a comparison, merely for the purpose of casting odium on men, who have, at least, *suffered* bravely.

The learned Judge, while he denies the legality of the People's proceedings, *never questions the majority of their votes*. On the contrary, an acknowledgment of the majority is asserted, or implied, in almost every page; and in the premises of all his reasoning, this admission is embraced. This fact is worthy of record, and remembrance; for as the honorable gentleman echoed the key note of the Party, it will show that *they did not, at first, question the majority*. That falsehood remained, as yet, un-

hatched, and unfledged, amid the countless broods of embryo monsters, that afterwards went forth,

"From the orient to the drooping west,
* * * * *
Stuffing the ears of men with false reports."

In the following passage, he gives his adversary a peep into his hand, with strange indiscretion for an old gamester. "If they can deceive some, and overawe others, so as to induce you to abdicate, and suffer them to seize the reigns of government, their object is accomplished. In the absence of any other government, in this State, they become the government *de facto*, if not *de jure;* that is, the government *in fact*, if not *of right;* and there will be no rightful Legislature, no rightful Executive, to defend this State, and the rightful government thereof, from 'domestic violence.'" Strange it is, that the Suffrage men did not profit by this hint, when they had the power!

True to the Rhode Island doctrine, our author, everywhere, recognises in the *government*, the supreme power. This principle he embodies in the following remarkable sentiment: "No government can sanction doctrines which are suicidal, which go to its own destruction. THE FIRST DUTY OF GOVERNMENT IS TO PROTECT ITSELF." The rights and welfare of the people, it seems, are to be entirely set aside; it being a point of *duty* with the government, whatever may be its character, to "protect itself," at all hazards, and in defiance of all consequences. Who that has seen some of the gentleman's earlier sentiments, would not exclaim, in sorrow,

"O, mighty Cæsar, dost thou lie so low!"

Are the sages of Rhode Island taking a leap back into the dark ages, that they so boldly disavow a principle which all wise men have taught, that THE GOOD OF THE GOVERNED is the END OF GOVERNMENT.

Let us hear Plato's opinion on this subject, who says, speaking of a good Prince; "He neither thinks nor commands what may advance his own private interest, but what may promote the benefit of his subjects; and whatever he says, or does, is done for their advantage, and for their ornament and grace."

Puffendorf, speaking on the same subject, Book viii. Sec. 2, says: "And therefore they (rulers) ought to esteem nothing as contributing to their own private or personal good, which is not, at the same time, profitable to the commonwealth." How many of the Rhode Island princes will come up to this standard?

Mr. Pitman says, in the same connection; "The citizen owes allegiance to the government; the government owes protection to the citizen. These duties, and the rights that grow out of them, are reciprocal." He goes on to show, that if the citizen makes war upon the government, it is treason; while all the violation of trust on the part of government, is resolved into the single point, of ABDICATION OF ITS POWER; and this is, he says, a much greater crime, if we are to judge of the enormity of crimes by their consequences, than the commission of treason on the part of the citizen. This one crime, then, we are led to think — the crime of yielding their power to usurpers — is all the crime that governments can commit; and since it is the very last they would be likely to commit, we may safely conclude that they never would, or never do commit any; and, therefore, they may continue to exist forever, *as they will*, "without let or hindrance."

On the next page our author asks the pithy question; "Who are the people of Rhode Island?" and from it he deduces the following remarks. "*Whatever are the rights of the people of Rhode Island, those who are* NOT *the people of Rhode Island, in any legal or constitutional sense, have no legal*

claims to such rights. An attempt to exercise the rights of the people of Rhode Island, by those who are not the people of Rhode Island, is an attack upon the rights of the people — a crime against the State. Such a crime the Athenians punished with DEATH." Then he proceeds to show that such crime *was committed*, and by implication certainly, that such punishment *was deserved* by the Suffrage men. "In a political sense, in which sense the word '*people*' is used by political writers," continues Mr. Pitman, "it is to be understood as applicable only, in a free State, to those who, by its fundamental laws, *possess the political power.*"

Whether Locke, in the following passage, uses the word "people" "in a political sense," must be determined by its spirit; he certainly, at least, absolves the unenfranchised from obedience to magistrates whom they have never chosen. "The people alone can appoint the form of the Commonwealth, which is by constituting the Legislature, and appointing in whose hands it shall be. And when the people have said we will submit to rules, and be governed by laws, made by such men, and in such form, nobody else can say other men shall make laws for them; *nor can the people be bound by any laws, but such as are enacted by those whom they have chosen, and authorised to make laws for them.*" — *Works, vol. v. p.* 423.

Robert Hall says; "That there are natural rights, or, in other words, a certain liberty which men may exercise, *independent of permission from society*, can scarcely be doubted, by those who understand the meaning of the terms."

Once more we call upon our good friend, and helper, Algernon Sydney, who says; "The first institution of the office of King, in this nation, was by *agreement of the people*, who *chose* one to that office for the *protection of those who chose him*, (not to pro-

tect himself,) and for their better government, according to such laws as they did consent unto." — *Dec. of Par. Eng.* 1648.

And, again; "Whilst men are all equal, none will yield to any, otherwise than by a general *consent*. This is THE GROUND OF ALL JUST GOVERNMENT; for violence and fraud can create no right; and *the same consent* gives the form to them all, how much soever they may differ in form otherwise." — *Vol.* 1, *p.* 294.

How far these writers would go towards justifying the honorable gentleman, in his attempt to fasten a State crime on the majority of the people of Rhode Island; and how far they would sanction his, and his party's absolute political *annihilation* of the majority of the people, I leave the reader to judge.

"The charter, by the by," says Mr. P., "contains no provisions on the rights of suffrage, leaving the people of this State to regulate this matter for themselves. Whatever, therefore, may be our fundamental laws, on the question of suffrage, the people of this state made them for themselves, as they had a right to do; they were not imposed upon them by any foreign power." This is not true, *in any sense*. Not even the freemen had any absolute control over the laws regulating suffrage, or any other laws. They did, to be sure, choose the members of the Legislature, but those very members, when chosen, had power to make their first act such a one as would deprive their constituents forever of the power to make other choice — they could disfranchise them at any moment, by making the qualification so high that few could reach it; and what would Mr. Pitman say, then, to a change? Will any one say this is highly improbable? I answer, let him study their Acts, Speeches, and Reports, and tell me if there is no danger.

But, again: "At the Revolution, the people of this State did not see fit to change their fundamen-

tal laws, or to repudiate their charter; they threw off a foreign yoke, but did not make a domestic revolution; having a form of government already sufficiently republican and democratic, and which they no doubt venerated as coming from those fathers, who had rendered themselves illustrious in the history of civil and religious liberty. They found it all-sufficient for the exigencies of 1776, and though they have frequently been invited since, to adopt a written Constitution, they have, *by their votes*, returned this answer; 'We are unwilling to change our fundamental laws.'" This is false. A majority of the people of Rhode Island never established the government; they never consented to its existence; they never refused to change it. On the contrary, they have never ceased to entreat of their sovereign lords and masters, by the divine right of monarchism, *that it should be changed!* It is time these stories should be contradicted, promptly and positively, for they have already done mischief sufficient! By means of them, many, who would be otherwise friendly to our cause, are made to believe, through their misapprehension of the term, *people*, that the suffrage men might have had their rights long ago, but they refused to take them. The truth is, the Assembly, themselves, refused to hear the people's petition for a change. The freemen, the creatures of their own breath, were but as tools in their hands; and through these instruments, the General Assembly have always refused to change the government!

But hear Mr. Pitman again. "What is the grievance of which the suffrage men complain? They are not allowed to vote! Are they injured by this — are they put out of the protection of the law — are their persons and their property in jeopardy?" I answer the question directly and plainly, yes. Their property *is* jeopardised. It is voted away in taxes, and appropriated *without their consent.* I find a few facts just now to the point. "In 1830 there were

in the town of North Providence, 779 males over 21 years of age; of whom 200 were *freeholders*, leaving 579 *non-freeholders*. In 1832, 66 of the non-freeholders were taxed for about $50,000 worth of property. The amount of their taxes was $140.

"In Providence, 65 non-freeholders, alone, have paid a tax of $1078; and 361, including the 65, a tax of $1,810. In Cumberland, there are 210 taxpayers who have no vote; 280 persons voted at the last election in that town. In Warren, there are 136 freeholders, natives of this state, and 49 resident freeholders, natives of other states. In 1833, 79 non-freeholders were assessed $156,42." And does not the objection that the non-freeholders, if admitted, will vote away the property of other people, come with a very bad grace from those who have been so long voting away their property, without so much as saying, "By your leave?" And what security can there be, even for liberty and life, where the WILL of the Government is the supreme law?

But how degrading are the above inquiries of Mr. Pitman, as if men should ask for nothing, wish for nothing, but the right to breathe, and the right to acquire, and possess, the means of continuing that condition! — MEN, whom GOD, himself, created, without permission of the General Assembly of Rhode Island, and made sentient, free, and accountable beings, with thoughts boundless as the universe, with hopes high as heaven, with fears deep as hell, with powers which can only be transcended by HIS who gave them! Can such beings be degraded into mere working, and eating, and drinking, and clothes-wearing *machines*, without gross violation of natural and moral law? If parents are to be rendered accountable for the evil influences to which they expose their children, shall not statesmen, who control and sway the masses, be much more accountable, when they willfully place barriers in the way of their progress? What a very different course of action

would be suggested, by an enlarged and liberal policy. To call forth self-respect — to excite benevolence — to awaken reverence for all that is great, and lofty, and true, is a work worthy of "a minister of GOD," as a good minister of state is well described to be: and the first step towards this, is *to acknowledge the sovereignty of man*, which is nothing but recognising, and doing reverence to the GOD-IMAGE in which he was formed. The poorest and the lowest man is still a brother, bound to all others of his kind by the common wants, weakness, greatness, and glory of his race; and, as such, is entitled to our love; his interest is our interest; his hopes are our hopes; his good is our good. The mind of the humblest, the most ignorant man, is still a direct emanation of Deity; and, as such, is entitled to our veneration; and whatever we do to cramp, enervate, or injure it, is sacrilege against the enshrined GOD. If these reflections were permitted to sway us, how different would be our course of action! Cold selfishness would then quicken into active kindness. Instead of repelling an alien, we should embrace a brother. The narrow boundaries of clique, and caste, and "corporation," would melt, as unnatural frost-chains, in the darting beams that radiate from the central sun of LOVE, whose essence and whose spirit is GOD. As fast as all opaque obstacles are removed, and only transparent media are interposed, the beams from that life-giving Sun will speed forth, unobstructed, to cheer the waste places of human being — to gladden and warm into fruitfulness, the desert and the wilderness — to rouse, and invigorate, and enlighten, the utmost verge of Humanity. The true spirit of Liberty, which is but a manifestation of Love, would extend and enlarge its influence, in continually repeating circles, until Patriotism, itself, shall be bounded only by the boundaries of the world! Are these thoughts idle and imaginary?

On the contrary, I believe them to contain deep and fundamental principles. This theory was the ideal of the sages of '76. From the sublime height on which they stood, their keen eyes penetrated the dark and distant Future; and to the optic view of Truth, chaotic and discordant elements assumed shape and order; until they perceived the whole Design of God, in all its greatness, all its perfection, all its unity; and they planned their first great work, as far as they might, so as to form a consistent part of the stupendous whole. Until this Ideal is recognised, and manifested in the Acts of Statesmen, in the embodied energies of controlling minds, the melioration of society will not have begun. There are obstacles to this inevitable tendency of human affairs, in most countries; yet even the greatest are becoming every day less formidable, for wherever there are living, thinking, acting minds, there must be reform, there must be progress, and it is a law of nature that such minds multiply each other; but FOR US there is no excuse. Let but the principles embodied in the Declaration of Independence, be carried out in practice — be carried *home*, to every society, and every family, and the work is done. Let us then rescue this violated instrument from the disrespect and abuse into which it has fallen. Let us repel, with disgust and horror, the assertion that its great doctrines are mere "ethereal abstractions;" and always maintain by precept, and by practice, that they are vital principles of truth, which are the very stamina of political ethics. The venerable John Quincy Adams has said, that "The Declaration of Independence was a social compact, by which the whole people covenanted with *each citizen*, and *each citizen* with the whole people." It seems, then, that even the unenfranchised men of Rhode Island must have been party to this compact, and rightful recipients, or rather candidates for all it promised; the

Rhode Island definition of "People," and Mr. Durfee's "UNIT," to the contrary, notwithstanding. And when it is necessary that this should be asserted, is not liberty in danger? Whoever refuses to acknowledge the *absolute truth* of these doctrines, which all consistently great men throughout the world have held as sacred, is unworthy to be called an American; and if Americans are not roused to the importance of this — if they remain much longer false to their high trust — open violators of the principles which lie at the base of all their institutions, they must be denounced as *political hypocrites*, and their name will become a mockery, and a by-word, through all space, and through all time.

One point, and I have done with this pamphlet. Mr. Pitman says; "Their Convention (the People's) was so called, and constituted, that no person, other than those of their party, could, conscientiously, be a member of it. Thus a great majority of those who have the deepest interest in the State, could not be represented, or have any voice in the formation of this Constitution. Such an insult to a free people, is only to be equalled by the *patience with which it has been borne." Now I cannot answer for the "*conscience*" of Mr. Pitman's party; for that has shown itself a very subtle and slippery thing, which could no more easily be taken hold of, than a living eel could be detained in the hand, as an apt illustration of stability and inhabitiveness; but it is *not true* that the Freeholders could not be represented in the People's Convention. It *is true* that a majority of them *were* represented; and equally true, that those who were not, *would not be.*

And now for the pamphlet entitled, "CHARGE OF THE HON. CHIEF JUSTICE DURFEE, delivered to the

*The Algerine Laws are a happy instance of the exalted "patience" of that party; and those laws were brewing when Mr. Pitman wrote.

Grand Jury, at the March term of the Supreme Judicial Court at Bristol, Rhode Island, A. D. 1842." This charge, the gentleman tells us, is a point of duty, which he is not at liberty to forego; and, as he is so conscientious, we may safely conclude that he is honest. He begins by holding forth upon the duty of allegiance, and the guilt of treason; the duty, he says, "begins with life — with infancy at the mother's breast, and if he continue an inhabitant, or citizen of the State, it terminates only with the last breath which delivers the spirit over to its final account;" and the crime he describes, as "one of the highest of which a human being can be guilty."

He then recites the Resolutions of the General Assembly against the Suffrage men, which he follows up by this assurance; "Gentlemen, whatever I shall say to you, touching these resolutions, *shall be said with the full and entire concurrence of each member of this Court;*" thus subjoining to his own personal and individual opinion, that of the whole court. He then proceeds: "I therefore say to you, that, in the opinion of this court, such a movement as that described in these resolutions, is a movement which can find no justification in law; that if it be a movement against no law in particular, it is, nevertheless, a movement against all law; that it is not a mere movement for a change of rulers, or for a legal reform in the government, but a movement, which, if carried to its consequences, will terminate the State itself, as one of the States of this Union." It appears to me that the gentleman's sense of "duty" moved him to make a very strange assertion, in this case. Did he really believe that the tendency of the Suffrage Movement was to terminate the existence of the State? For the sake of his character for veracity and candor, I truly *hope* so.

He continues: "When great masses move, they move under the influence of excited feelings. When

the object is to attain some great political good, real, or supposed, the excitement takes for its law of action, some *ethereal abstraction*, some *general theoretic principle*, true, perhaps, in its application to certain *theoretic conditions* of man, but utterly false, in its application to man, as he is. This "*theoretic abstraction*," is understood to be the doctrine that, "All men are created free and equal;" for this doctrine was the basis of the Suffrage Movement, as it was that of '76. But how a law can be true in theory, and false in practice, it will take something more than a Rhode Island Lawyer, even though he be a Judge, to show. What is a theoretic principle, which admits of no practical application? It can be nothing more than a mere ebulition of fancy — a nonentity. The gentleman certainly appears to draw his "facts from the imagination, and his figures from memory," learned as he is. TRUTH is TRUE, and all beside is false; and there can be no true theory, which will not bear the application of practice. Has not the gentleman's poetic genius a propensity to get at the throat of his reason? Judging from the spirit which he manifests, we may safely infer that the "certain theorectic conditions of man," to which Mr. Durfee alludes, would remain such forever, for all *his* exertions to the contrary.

He continues: "Gentlemen, when all men are angels, and of the same order, these abstractions may be true in all their consequences, but never in their application to man as he is." Why did not Jefferson insert a clause like that, to qualify the great assertion in his Declaration of Independence? Had he lived in Rhode Island, in these days, he would, doubtless, have been instructed so to do; and the world would have been spared much useless pother and excitement, in regard to those same "*ethereal abstractions*;" and the Despots of the old world

would never have had occasion to sneer at the probable failure of our "LIVELY EXPERIMENT" — an event which Mr. Durfee and his associates, seem anxious to anticipate; since they are so early putting their parricidal hands to the corner stone, that by removing the basis, they may overthrow the whole superstructure. Mr. Pitman adopts the same sentiment, page 15. "But it is said that all men have an equal right to suffrage. If this be admitted in the origin of society, *it is not true after governments are formed.*" Perhaps he means by this, that the men of '76, who went forth, half starved, and half naked, to battle for the common liberty, were thus made equal. They were equal during all the arduous labors of the seed-time, but not at the gathering in of the harvest. Does the Declaration of Independence teach such a doctrine? And if it had been so understood, would our independence ever have been achieved?

But, to return. Mr. Durfee says; "As a court, it is not only our duty to try offences, when committed, but to prevent them, if it can be done, by making the law known." Is not "making the law known" to the public, before any offence has been committed, the peculiar province of the Legislature? So it has always appeared; and, further, to make the law known to the Grand Jury of a county, to aid their inquiries into offences alleged *to have been committed already*, the utmost extent of the duty of a court. This is certainly transcending the judicial boundaries; but had they gone no further than this, it would not have been quite so monstrous a thing. But they have not contented themselves with "*making the law known;*" on the contrary, they have proceeded to pronounce their opinion upon the *application of this law*, not to any case which had arisen, or was likely to arise, but to a supposed case, the very supposition of which, threw the preponder-

ance altogether into the scales of one of the two great parties, into which the State was then divided, on the subject of a Constitution; and was calculated to render the other party odious, not only in the eyes of this State, but of all the other States of the Union. It is commonly said among Judges, that "their duty is fully discharged, when they decide cases judicially brought before them, after hearing all the circumstances of each case, and full argument on both sides." Where then is their right to decide capital cases which are founded only in the anticipated criminal acts of one out of two parties, engaged in a heated political strife? Such decision may aid the cause of one of those parties; but the common justice must suffer, and the courts be disgraced, wherever they are made. But these are not the deepest stains on our judicial ermine — these are not the grossest wrongs, of which our judges have been guilty. As if determined to destroy every vestige of their dignity, and rend their ermine to fragments, they have travelled at large through the State, repeating their premature decisions — lecturing, and declaiming, in the most violent and heated manner; appealing to "Heaven, Earth, and Hell," before crowded assemblies, cheered by the loud plaudits of one party, and saluted by the execrating hisses of the other. And when cases of alleged treason did arise, where were the uncommitted Judges, where were the impartial Juries, to try them? *There were none.*

Mr. Durfee, after quite an elaborate preamble, proceeds to define the word State, thus — "A State is a legally organised people, subsisting as such, from generation to generation, *without end*, giving, through the forms of law, the wills of the many, to become one sovereign will." How the quality of being *endless*, should be a necessary feature in the character of a State, I cannot see. There is but one supposable thing "*without end*," that is eternity; and

that has no beginning — a corresponding feature which has always been associated with the idea of what is endless. If a State is, necessarily, "without end," why all this bustle and talk about its *coming to an end?* In the very page preceding that containing his definition, Mr. Durfee says; "I proceed to show the illegality of this movement, and the ruin which it portends. I repeat, that however patriotic may be the intent, the legal effect of it is the *destruction of the present State*, and the construction of a new State out of its ruins." Now, how one endless thing can be destroyed, and another endless thing constructed upon its ruins, I cannot understand. It may be that as two negatives make an affirmative, so two endless conditions of being, produce an end of being.

In immediate connection with his definition, Mr. Durfee says; "There is, and from the nature of things there can be, no sovereign people without law; without that unity which the law gives them, whereby they are enabled to act as one; and, consequently, there can be no sovereign will that is not expressed through the forms of their corporate existence." What does he mean by this? If every visible code and form of law, in any State, should be struck out of being in a single moment, would the people of that State cease to be a sovereign people? Are laws contained, merely and solely in "the parchment on which they are engrossed?" Does the law exist prior to the people who make the law? Is any created thing stronger than the hand which created it? Can any created thing be made paramount to the creating power? Does he mean that there can be no exercise of their sovereignty by the sovereign people, without law? If he means pre-existing *written* law, the assertion is utter nonsense; but if he means the "Law and the Constitution paramount," which are written in the nature of every man, and

continue to exist consociated with his sovereignty, and with which if any written law conflict, it becomes invalid, that is the true doctrine. It follows, of course, that there can be no exercise of their sovereignty by the sovereign people, without calling law into existence, as its inevitable consequence; and, therefore, sovereignty makes its own laws, as it acts — its action is law — nor can its action be limited or restricted, by any legislation, subordinate, inferior to, or even on an absolute equality with itself.

I have already noticed, in a former chapter, the gentleman's doctrine of "Corporations," and "units." I will here only add, that I think he has misapplied terms. His "unit" appears to be a cypher.

He attacks and overthrows Mr. Pitman's idea of a State *de facto*, being recognised by Congress. He was far too cunning to admit it. But mark the deep and deadly insinuations in the following paragraphs! How are they calculated to excite the already excited imagination, conjuring up all dire thoughts — all horrible images. And how does he represent the Suffrage Party? Under the symbol of FOUL BIRDS AND BEASTS OF PREY! I make no comment!

"Now, gentlemen, what are the consequences? It is well worth while to inquire. We stand upon the brink of an awful gulf. We are about to take the leap, and we may well feel some anxiety to look down into it, and obtain a glimpse of what sort of a Tartarus it is, into which we are about to make the final plunge.

"Gentlemen, I will *whisper* a few questions to you, *all of which I dare not, for the peace of this State, answer, even in a whisper.* There is too much combustible material in this wide-spread Union — too many daring and reckless adventurers of all sorts. Gentlemen, it is the faith of the untutored

savage, that certain birds of the air, and beasts of the desert, are endowed with something like a prescience, or foreknowledge of the coming banquet, which human strife is to provide, and, that some days in anticipation of the event, they come from all quarters of the Heavens, and from all the far depths of the forest, and, congregating in the neighborhood of the appointed place, eagerly await the approaching carnage. I do not want to be heard, or understood, by such as these. Therefore, will I not answer all the questions that I may put, but simply show you that there are such questions.

"When corporate Rhode Island ceases to exist, what becomes of her delegation to Congress? What becomes of her bill in Chancery, which she filed, claiming through her charter, and through that only, a portion of territory within the jurisdictional lines of Massachusetts? I mention this, not for its importance, but for its illustration, and because in the event supposed, the question must necessarily arise, What becomes of the public property of all sorts? Your court-houses? Your jails? Your public records? Public treasury, bonds and securities of all sorts, which belong to the present corporate Rhode Island, and to her only, and can pass from her only, by her Legislative consent? What becomes of the actions now pending on the dockets of every court in this State — bills of indictment for crimes committed, or that may be committed? What becomes of your State Prison, and your convicts, from the wilful murderer, to the petty thief? What becomes of your corporations of all sorts? Of your corporate towns, and their records? Nay, are there not questions touching life, liberty, and individual property? *I dare not go farther; perhaps I have already gone too far.* But whatever answer may be given to these questions, (and answered they must ultimately be, in the Supreme Court of the Union,) *the bare*

fact that these questions must be raised, tried, and decided, is sufficient to send a thrill of horror through the heart of every man, woman and child in this State."

If there ever was a "mountain made out of a mole-hill," this is it. But, seriously; it is sufficient disgrace for Rhode Island, that the Chief Justice of her Supreme Court, forgetful, at once, of the dignity of his station, and the high prerogative of his office, should descend from his true place, and, exchanging the habit of the Judge for that of a stump orator — a common demagogue — prostitute himself as the champion of a Party, by adopting the party spirit — the party slang — and, thus, by presenting imaginary evils to view, inflame more and more the heated passions, (and those of the most selfish character) of his coadjutors. This is truly sufficient disgrace; but it is not the greatest. The mighty in Rhode Island — the Lights — the Sages — *approved*, and *especially commended*, this course of conduct.

But Mr. Durfee again: "I therefore say to you, and to all others duly qualified, that *it will be lawful for you to vote on the Constitution now submitted to you by the State's Convention;* and that if it be adopted, *any person in this State commits a breach of allegiance who wilfully fails to support it.*" What occasion was there for this? To encourage men to the polls for the support of one party, by an extra-judicial opinion? How could the Judge foreknow the means used for, and the circumstances of the adoption of that Constitution, which would materially modify the duty of supporting it? But to say that a citizen commits a breach of allegience, by not voting for a Constitution, whatever it may be, is assuming too much for any man; and, in a Judge, is unwarrantable, inexcusable.

But, further; Mr. Durfee says of the People's Constitution; "Standing, as it does, alone, and without

any legal authority to support it, it is not the supreme law of this State; and those who may attempt to carry it into effect by force of arms, will, in the opinion of this court, commit treason against the State — treason, perhaps, against the United States — for it will be an attempt by the overt act of levying war, to subvert a State, which is an integral part of the Union; and to levy war against one State to that end, we are apprehensive will amount to the levying of war against all." Did not Judge Durfee know, that the crime of treason, which he was so eager to fasten upon one party, by anticipation, would depend, in the individual cases, upon circumstances which could not come, at least beforehand, to the knowledge of the court; yet which would be necessary, in order to the formation of a sound judicial opinion? The Judges in this case not only declare the law before the offence is make known, but they pronounce upon the application of that law, thus forestalling at once the prerogatives of both the Legislature and the Jury.

Yet these gentlemen, in common with other Rhode Island gentlemen of the same political school, talk a great deal about republicanism, and democracy. Their sincerity may be tested by a very concise and laconic definition of Montesquieu. "A love of the republic in a democracy, is a love of the democracy — a love of the democracy is that of EQUALITY." There is one principle — and a very important one, too — that the Chartists of Rhode Island either cannot, or will not perceive. It is embodied in the following quotation. "IT IS NOT A CHANGE FROM THE PRESENT STATE, *which, perhaps corruption or decay has introduced*, THAT MAKES AN INROAD UPON THE GOVERNMENT; *but the tendency of it to injure or oppress the people, and to set up one part, or party, with a distinction from, and an unnatural subjection to the rest.* Whatsoever cannot but be acknowledged

to be the advantage to the society will, always, when done, *justify itself.*" — *Locke, vol. v. p.* 433.

Jefferson, in his Inaugural Address, says; "The absolute acquiescence in the decisions of the majority, is the vital principle of republics, from which is no appeal, but to force, the vital principle, and immediate parent of Despotism."

Notwithstanding their extra-judicial opinions against the Suffrage Party, our Judges must have known that both their doctrines and their action had been sanctioned by Congress in the case of Michigan, when the people of that State, acting in their original and sovereign capacity, without the consent of the Legislature, and even in opposition to its interposed authority, adopted the Constitution on which it was received into the Union. This is denied by Judge Durfee, on the ground that Michigan was a Territory. But Michigan had a government which was quite as near to the "*form*" which the United States' Constitution guarantees, as the Charter Government of Rhode Island; yet this government was defended by the Legislature, and subverted by the people, in defiance of their authority; and Congress put the great national seal on the people's right. In North Carolina, also the same doctrine was appealed to by the people in the western part of that state, who were about to put it in practice, when the other party who had actual possession of the government, gave way.

> "The lust
> Of power, which oft-times took the fairer name
> Of liberty, and *hung the popular flag*
> *Of freedom out*,"

has wrought its full proportion of mischief in Rhode Island; and with this remark I close the chapter, which is already too long, unless it had a better subject.

CHAPTER XII.

THE TWO ELECTIONS.

Pursuant to the Resolution which had passed the General Assembly on Monday, March 28, Governor King issued a Proclamation, on Monday, April 4, calling upon all persons who had been engaged, or concerned in, attempts to carry the People's Constitution into effect, "to cease all further proceedings therein, as they will answer the contrary at their peril;" and requiring all "Judges, Justices of the Peace, Sheriffs, Deputy Sheriffs, and Constables, and all Military Officers, within their respective departments, and according to their several functions, to be vigilant and firm in detecting, and bringing to condign punishment, all persons engaged or concerned in such enterprise." In obedience to this Proclamation, the Adjutant General issued his orders to the Commanders of the several Military Companies, "to assemble the men under their command, and direct them to be in readiness at thirty minutes warning, armed and equipped;" and also an order to all such officers, to report immediately after the required meeting, "the number of the rank and file under their command, with a statement of their arms and equipments."

It has been frequently asserted, and is, I think, pretty generally believed, that the Suffrage Party made the first Appeal to Force. This is utterly false. They never wholly relinquished their hope of aid through the Legislature, until that Body, by refusing them the right to be represented, in the Convention which had been called, for the purpose of forming a State Constitution, finally closed the door against them. Then, and then only, they assumed the right, and the authority of the Sovereign People. But

they did not believe, that when they had formed a Constitution according to all American forms and usage, and adopted the same by a vast majority, that their fellow citizens would be arrayed in arms against them, to compel them, at the point of the bayonet, to surrender at once their rights and their liberties. They would not believe this until on the 1st of April, when, having met at the Town House, news arrived there, that the ARSENAL WAS GARRISONED!!! Consternation and horror thrilled through the immense Assembly gathered there, as through one heart! and not until then did they pass Resolutions of self-defence, and to call upon help from abroad. Similar meetings were held throughout the State, passing Resolutions to defend the Constitution to the utmost, and condemning the Algerine Laws, which had been emphatically made, "without law, and against law," since they not only violated the law-paramount — the Law of Right, but important portions of the written law. By this odious Act, is a Sheriff permitted to act "without regard to his precinct;" and a Magistrate is allowed to imprison an offender in the jail of any county in the State, against Sec. 62, of the Criminal Law of Rhode Island, which provides that "all persons sentenced to imprisonment, shall be imprisoned *in the common jail of the county in which the offence shall be committed.*" The accused may also be tried in any other county than that in which he lives, or the offence is alleged to have been committed, contrary to the provision of Sec. 60 of the same Digest, that "persons accused of any crime shall be proceeded against, either in the Supreme Judicial Court, or the Court of General Sessions *of the county wherein the crime or crimes charged, may be committed.*" This was designed to harrass all those who might dare assert their rights — to oppress the poor by needless expenses — to separate them from their families, and

to obstruct them in the means of making a defence. Can a precedent be produced from the British laws, or those of any other State of this Union, where the jurisdiction of a Sheriff has been extended beyond the county for which he is appointed? The alleged offender against the law has a right to demand a trial "by twelve free and lawful men, *of the body of his county*, by whom the truth of the matter may be better known? "How, then, can these *violations of the law*, be valid against the peace and security of the people — against the supreme WILL of the People — which will IS law? Upon what principle was that portion of the Law founded, which declared all meetings of the people for the purpose of discussing their rights, to be riotous, and subjected all who attended such meetings to the danger of being *shot down*, should they not retire sufficiently soon after the riot act might be read? Yonder, across the Atlantic, is Ireland, in behalf of which we have felt much sympathy; yet Repeal Meetings, for the avowed purpose of dissolving the Empire, are there held, daily and nightly, in the face of the hireling soldiery of England; yet England has not a riot act, to drive the barbed heel quite through the prostrate neck of her sister kingdom; but here, in Republican America — in Republican Rhode Island — citizens may be shot down for asserting the principles of the Declaration of Independence!! If this is Republicanism, who would be a Republican? Is it strange that the people in sheer pride should rise against these things; and if there was a single principle of manhood in them, that it should have been aroused, to defy powers so unwarrantable, so unjust, so monstrous!

The next step of the Charter Government, was to despatch Commissioners to Washington, to solicit aid from the General Government. This deputation, consisting of Messrs. Whipple, Francis, and Potter,

entirely misrepresented the whole matter. They pretended that domestic violence was apprehended; and, by implication, that force had already been exerted by the Suffrage Party; whereas, they knew that their own party were organising to put down the people by force. They sought to inflame the strongest prejudice of representatives of that and other influential sections of the country, by asserting that under the People's Constitution, persons were allowed to vote without any regard to color, although they knew that by an express provision of that Constitution, *colored people were not allowed to vote.* These misstatements were repeated, and reiterated, by James F. Simmons, Senator from Rhode Island, then in Washington, who whispered them insidiously through the American Court, and embodied them in an Appeal to the South. The Free Suffrage movement was represented as being one with the Abolition movement. It was, truly, an Abolition movement; but it had for its sole object the deliverance from political thraldom, of the white slaves of Rhode Island; and this both the Commissioners and Mr. Simmons very well knew.

They represent that the Legislature were influenced by the petitions of the people, at their January session in 1841, to request the qualified voters to choose Delegates for a Convention, to frame a written Constitution. But they omit two important facts; one is, that *the Legislature took no notice of these petitions;* and the other is, that the "request" confined all the action on the proposed Constitution, to the Freemen and their eldest sons. Another important misrepresentation is, that immediately after the above request was issued by the Legislature, the Suffrage Party took measures to countervail those of the Assembly — but they neglect to tell him, that the State Committee took no steps towards forming a Convention, but patiently awaited the result of an

application, which they expected would be made at the June session, for such an extension of suffrage, as would admit others than Freemen and their eldest sons, to vote for Delegates to the proposed Convention. They forget, also, that this application was made by a member of the Legislature, and an eminent friend of the People, and was rejected by an overwhelming majority. They state not that the Legislature refused all propositions to extend suffrage, until after the People's Constitution was adopted and proclaimed; and then extended it only for a particular purpose — for a single occasion — to vote for the Landholders' Constitution. They state that all males over 21 years of age, were admitted to vote for the adoption of the People's Constitution. This was not true. None were intentionally admitted to vote by the People's Moderators, except American citizens who had their permanent residence, or home, in the State, and were of lawful age. They state that these meetings were not under presiding officers, whose legal duty, or legal right, it was to interpose any check, or restraint, as to age, residence, property, or color; but they must have known that those Moderators were responsible men, acting under the highly respected authority of the People's Convention, and that they interposed the check of requiring every voter to subscribe to the fact of his permanent residence, as well as his age, printed on his vote; and the further check of inquiring either of himself, or of the by-standers, when they had occasion to doubt the fact. The Moderators were, truly, not sworn; but they never are, in Rhode Island. They do not directly deny that a majority of the 22,000 people of the State voted for the People's Constitution; but a denial of this is inferred from the result of the vote upon the Landholders' Constitution. They admit that 8,600 votes were cast against that Constitution, and from these they deduct 1000,

which they say were cast by friends of the Charter; but how did they ascertain that? and thus having reduced the votes of the People against the Landholders' Constitution to 7,600, they take it for granted that this was the full number that could have been cast for the People's Constitution. The reasons of this difference have been given in a former chapter. I shall not, therefore, repeat them. But where, I would ask, did the gentlemen get their authority for supposing that a negative condition could nullify a positive act? From what authority did they learn that a principle erected on such a basis, might be taken for truth, without question, and acted upon as truth, to the injury of a large body of men? Had they shown a little more candor — had they made fewer misstatements, and honestly told the whole truth of the matter, they might, it is true, have made a less brilliant figure as diplomatists, but their conduct would have been infinitely more honorable to them, as *men*.

Upon the receipt of the Adjutant General's orders by the Militia, it was found that a large majority of them were unwilling to meet the order, by holding themselves in requisition by the Government, to be drawn out at thirty minutes warning, to assist in crushing the liberties of the people of Rhode Island, of which their own were a part. There was a large number of gay young men, who had joined the several independent companies of Providence, merely for the purpose of going upon excursions, attending the convivial meetings of the company, and enjoying themselves. The terms of their admission had been merely the payment of a fine — hence they were called Fine-members. These members had never had any control over the affairs of the society; but when the Algerine officers saw that the majority were going against them, they called in the Fine-members; and through them, in addition to persua-

sion, threats, and artifice, they succeeded in gaining over to the side of the Government (so called) a majority of the forces.

I should have said that Doctor Brown, President of the Suffrage Association, had been sent to Washington, in order to represent there the claims of his party; where he arrived before the Charter Delegation. He called on a large number of the members of both Houses; and they pronounced the doings of the Legislature "of no binding effect, whatever," but "entirely at variance with Right, Reason, and Constitutional Law." He was well received by the President, who told him that Mr. Whipple had called on him the night before, and said that everything, black, white, and gray, voted for the People's Constitution, and that without law or order; and that both Constitutions amounted to one and the same thing. The President required a statement of the past and present doings of the Suffrage Party, which Dr. Brown made out, and presented. In the mean time he wrote home, in high hope. I quote the conclusion of his letter — which, being from a prominent and influential person, will go far to show that even up to this time, the hope and trust of the people, was in RIGHT, and *not in force.*

"Permit me to urge upon the people, the necessity of using every exertion to preserve order and quiet in the community. Provoke not ill feeling; but stand firm and unwavering. We have nothing to fear. The God of our Fathers is with us. The sovereignty of the People will be established.

"11 o'clock, P. M. I have just returned from a visit to the President, and one thing is certain, the President and the Cabinet will never send an armed force to Rhode Island, or in any other way attempt to prevent the people from obtaining their just rights. There will be no attempt to put the Law of the Ge-

neral Assembly in force, and the people can go on without fear or molestation."

And again, from on board the steamboat — Delaware River, Sunday, 2 o'clock, P. M., he writes; "The President talks in strong terms of the doings of the General Assembly, and says that the Law (Algerine Act) was uncalled for. He will write to Gov. King this week; but, depend upon it, he will give no encouragement of interfering with the affairs of Rhode Island."

On the 14th day of April, Gov. King issued a proclamation, announcing that he had received a letter from the President; and immediately thereupon, the Letter of John Tyler was made known to the people.

In the first paragraph Mr. Tyler says:

"I shall not adventure the expression of an opinion upon those questions of domestic policy, which seem to have given rise to the unfortunate controversies between a portion of the citizens and the existing Government of the State. They are questions of Municipal regulation, the adjustment of which belongs exclusively to the people of Rhode Island, and with which this government can have nothing to do."

But did he not express an opinion by assuming that the Charter Government was "the existing government?" Did he not know that the questions *had been* adjusted by the People of Rhode Island? He knew that the General Government *had* something to do with it, and that the people of Rhode Island had a right to claim, by the Constitution of the United States, that a Republican Government should be erected over them! These facts, even the sophistry and misrepresentations of the Commissioners could not have concealed. The people had done all they could do, peaceably. They had resisted the strongest provocations to violence. They had seen themselves denounced as malefactors, and made the subjects of the most cruel and odious laws. Strong in the faith of the great American principle, and that

the Government of the United States would, and *must* vindicate it, they went eagerly on with their work; and when they had finished it, they sent an agent to Washington, to demand the redemption of the National pledge; yet, strange to say, the President and his Cabinet, together with the whole Whig press, boldly denied the principle, but for which, these United States must have been now British Colones, and stigmatised the men as TRAITORS, who had dared to assert it! This is no trifle. I ask if such men, and such a press, should bear sway in a Republican government; or if a government *can* be Republican, where they are permitted to bear sway?

After reciting the 4th Section of the 4th Article of the Constitution of the United States, and portions of the Act of Congress approved February 28th, 1795, also a portion of the Act of March 3d, 1807, Mr. Tyler says:

"By a careful consideration of the above recited acts of Congress, your Excellency will not fail to see, that no power is vested in the Executive of the United States, to anticipate insurrectionary movements against the Government of Rhode Island, so as to sanction the interposition of the military authority, but that there must be an actual insurrection manifested by lawless assemblages of the people or otherwise, to whom a proclamation may be addressed, and who may be required to betake themselves to their respective abodes. I have, however, to assure your Excellency, that should the time arrive, and my fervent prayer is that it may never come, when an insurrection shall exist against the Government of Rhode Island, and a requisition shall be made upon the Executive of the United States to furnish that protection which is guaranteed to each State by the Constitution and laws, I shall not be found to shrink from the performance of a duty, which, while it would be the most painful, is at the same time the most imperative. I have also to say, that in such a contingency, the Executive could not look into real or supposed defects of the existing government, in order to ascertain whether some other plan of government proposed for adoption, was better suited to the wants, and more in accordance with the wishes of any portion of her citizens. To throw the Executive power of this Government into any such controversy, would be to make the President the armed arbitrator between the people of the different States and their constituted authorities, and might lead to

an usurped power, dangerous alike to the stability of the State Governments and the liberties of the people. It will be my duty, on the contrary, to respect the requisitions of that government which has been recognised as the existing Government of the State through all time past, until I shall be advised in regular manner, that it has been altered and abolished, and other substituted in its place, by legal and peaceable proceedings, adopted and pursued by the authorities and people of the State."

It is generally understood that the Commissioners misrepresented the condition of things in Rhode Island, in order to induce Mr. Tyler to go beyond his constitutional authorities; that they gave him the assurance that they would, on their return home, exert their power to have an act of amnesty passed by the Legislature, which was then in session, and thus relieve the President from the necessity of ever sending his troops here. But this they found the Governor and Council unwilling to do. The object of the Commissioners was, undoubtedly, to prevent the question from being carried before the Tribunal of the Nation, as that event would present many chances against them. Every effort was made at Washington to silence anything like a fair discussion of the subject. Mr. Allen, a member of the Senate from Ohio, ventured to call in question the correctness of the position assumed by Tyler, and attempted to bring the whole subject under discussion. He was immediately cried out against as an abolitionist. Flaming articles appeared in the Madisonian, the Court Gazette of the President, denouncing Mr. Dorr as an abolitionist, and his followers as traitors against the country. But at the same time, Mr. Simmons, and all the *enemies* of Freedom, were allowed to speak, and were heard.

It is impossible to describe the consternation, and horror, produced by this letter, among the Suffrage Party. Complete dismay overwhelmed the naturally timid; and even the strongest hearts became oppressed with unwonted heaviness. They could not

believe that John Tyler would refuse to lend his countenance to the great American principle upon which the General Government was originally founded — upon which the Confederation gave place to the Constitution — upon which every one of the older States entered the Union — and which had been but lately exemplified in the case of Michigan. They could not believe that the President of the American Republic would thus openly disavow the republican principle, that the people are the source of all power — that they are the only rightful authors of constitutions — that they are not to be forever shackled by their own servants, though these appear in the shape of a Legislature — and that when they act in the peacable exercise of their sovereign and inalienable rights, such acts are to be respected as the law-paramount. It appears that no inquiry, no investigation of the matter, was made or held. The Constitution of the United States guarantees to every State of the Union a Republican form of government; and when a very large majority of the people claimed to have instituted such a form of government, was it not worth while to inquire whether it might not be true, of some other than the people's enemies? Would it not have been as well to count the votes, and, if need were, to call upon the voters, and test their validity? To ascertain, if possible, if the claims of the Constitutionists were valid; and, if necessary, refer the question to the Supreme Court of the United States? The President, in his letters to Gov. King, makes no allusion whatever to any such constitutional question; he never even asks whether a majority of the People of Rhode Island had adopted the Constitution, but with the utmost coolness, cut himself aloof from all authorities, from all constitutional responsibilities, and, without sanction, committed the daring act of interposing the strong arm of this Republic, to crush the people of

Rhode Island, for the offence of asserting themselves free, and claiming to exercise the rights of freemen. This act was founded on a principle so monstrous and unjust, that, if taken advantage of, a despotic Monarchy could have been established, and the word of the Chief Magistrate was pledged to sustain it.

Let the Genius of American Liberties cast aside her beautiful garments, and gird herself with sackcloth. Let her prostrate herself in the dust, and cover her head with ashes. She must mourn, in the bitterness of undeserved wrong, all the days when such men as John Tyler, and his advocates, bear sway in the land!

The letter of Tyler was a virtual declaration of war against a majority of the People of Rhode Island, and that in behalf of a usurped government, which was neither republican in its origin, nor its tendencies. He pledged himself to sustain by the forces of the United States, a minority government, which had been but recently twice condemned, not only by a majority of the people, but by a majority of the Landholders. By what right did he pledge himself to exert the forces of the Nation against the sentiment, and against the principles of a major portion of the people of the community? By what right did he pledge himself to sustain the Algerine law, which contains provisions wholly repugnant to the Constitution of the United States, and all constitutional government? What right had he to terrify and overawe the people, and thus prevent them from the peaceable exercise of their rights, in the only way in which they *could* assert them; and thus put the broad seal of the United States upon the bond which was to enslave three-fifths of the people of Rhode Island, a sovereign and independent State? What right had he to suppose that the Charter Government was "the existing government," and that the gov-

ernment under the People's Constitution, which had been called into existence by a majority even of the Freemen, was *not* the existing government — or that the peaceable exercise by the people of their inalienable rights, was, or could be, "an act of violence?" Why did he assume the dangerous power which he so emphatically denounces, and make himself "an armed arbitrator between the people of Rhode Island, and their consituted authorities;" authorities which had been *legally* constituted, if it is in the power of any body of men to generate a legal act? What right had John Tyler to say, through his sanction of the Algerine Law, that the people of Rhode Island should not peaceably convene themselves, for the purpose of discussing their political duties and relations, without subjecting themselves to the danger of being shot down as rioters? These questions will be answered — they *must* be answered, and that probably at no distant day.

The immediate effect of Tyler's letter upon the people's cause, was discouraging in the extreme. In all events which are to be brought about through the action of large bodies of men, CONFIDENCE is the central pivot upon which success turns. Destroy this, and it is like destroying the power of gravitation in the natural world — the centripetal force — the power of union is broken, and disorder and ruin ensue. There is no doubt that thousands who voted for the Constitution, dared not vote for the officers under it, because the Federal Executive had assumed to decide against their rights; and they foresaw that a carrying out of their principles would involve the crime of treason, and the horrors of civil war.

It was exceedingly difficult to find candidates for the several offices on the People's Ticket. It has been often said, that Thomas W. Dorr had ambitious aims in the part which he took in Rhode Island affairs. Looking back at the line of governors who

had preceded him, he must have been very "ambitious," in consenting to become one of their number! This he at first positively refused to do. He was urged, entreated, to no purpose; nor would he consent, until assured that the ruin of the cause would be involved in his refusal.

Under the sanction of a name so dearly loved — so highly venerated, the people gathered a temporary confidence. They soon had their ticket respectably filled; and they went about the business of their election in somewhat better spirit.

Encouraged by the favorable aspect of their affairs, under the patronage of Tyler, the Algerines returned to the attack with renewed vigor; and the cry of "Banks and Beauty," "Booty and Beauty!" was raised in the Journal, and repeated, and reiterated, through the State, and throughout the country. Nothing could have been more injurious that this. It was undoubtedly frabricated by the College street Junto, and their minions; and it proved itself worthy of the nest where it was fledged. They knew when they sent it forth, that it was false as Hell! And the cry was repeated, and shouted to the four winds, by libertines of the blackest dye — by creatures so obscene — so vile — so filthy with crime, that common decency could not approach them without contamination. These, and such as these, told the world that Thomas Wilson Dorr, the pure and upright, the lofty of heart and soul, was a wholesale robber — a wholesale murderer — a wholesale violator of the most sacred domestic rights — and that he was gathering together a band of desperadoes — of worse than assassins, under a promise that they should share the spoils of plundered, and bleeding, and violated Providence! There is "no tongue so vile, but finds a kindred ear;" and they were *not unheard.*

A cry was also raised against foreigners and priest-

craft. Inflammatory speeches were made, abusive placards were issued, and an excitement was got up to act upon the prejudices, and inflame the already heated passions of the people. They did not choose to remember, that during the last war, when an attack upon Boston by the British, was threatened and expected, a foreigner, and a Catholic Bishop, the excellent and lamented Cheverus, went, at the head of his foreign Catholic congregation, to build breastworks for the defence of the city. He exhorted his flock to resist the invading foe, and set the example by working himself. They forgot that our naturalised citizens, subjects of the British crown, have cheerfully taken up arms, as American citizens, although they knew, that should they be taken by the mother country, who will never cancel the allegiance of her subjects, they would be shot, as traitors; yet where is an instance of their proving faithless to the country of their adoption? But a day will surely come, to answer for these things, also.

The election took place on the 18th of April, and Thomas W. Dorr was elected Governor. There had been three tickets in Rhode Island. The People's Ticket, headed by Thomas W. Dorr; the Rhode Island Prox, headed by Samuel W. King, and the Freemen's Republican Ticket, headed by Thomas F. Carpenter. Mr. King received 4,900 votes, Mr. Carpenter 800, and Mr. Dorr 6,200.

April 25, a special session of the Legislature was called by Gov. King, who transmitted to that body a message, saying that probably no legislation was needed, after what had been done the last session — that a Delegation had been sent to the President; he recited what he termed the traitorous proceedings of the Suffrage Party; and, in view of them, recommended to the House the propriety of calling on the General Government for assistance. He recommended an organization of troops, and the appoint-

ment of a board of counsellors for the assistance of the Executive. April 26, Resolutions were passed for the organization of the military, to enlist and accept the service of volunteer soldiers — to draw on the Treasury for the support of the soldiers — to appoint a board of counsellors — and to authorise the Governor to employ a private Secretary, at the State's expense, to aid in his duty. Against this whole course of raising a standing army in time of peace, Mr. Atwell strongly protested, and as strongly urged the propriety of conciliatory measures. Mr. Jackson offered a Resolution calling for a Convention to form a Constitution, and providing that all who pay a tax on $150 worth of property, should vote for delegates — a ratio of representation was also fixed upon. A motion of postponement of this Resolution was made. Mr. Atwell said, a sword was suspended by a single hair over the heads of the General Assembly; postpone the Resolution, and the hair was broken. He approved the Resolution, all, save the qualification; said the people wanted something now, beside promises. He feared the effect upon some anxious for their rights, and many ready to bleed for them. He went into a history of the number of petitions offered. He had rolls upon rolls of them; and it was strangely impolitic to tell the people, when their petitions were treated with contumely, that they must petition again; and to tell them if they did not like the laws, they might go out of the State.

The House was called, and the postponement was carried, by 45 to 12.

A Bill was passed for the organization of volunteer police companies in the city of Providence, and the Assembly adjourned to meet at Newport, after having, in their two last sessions, filled the measure of their arbitrary power. In the vindictive and tyrannical spirit of Rehoboham, they have transcended

the measure of their Fathers' oppression, and they cease not to declare, "My little finger shall be thicker than my father's loins. And now, whereas my father did load you with a heavy yoke, *I will add to your yoke;* my father has chastised you with whips, but I WILL CHASTISE YOU WITH SCORPIONS." And they have more than made good their declaration.

May 1st, and just in time to anticipate the meeting of the Constitutional Legislature, two companies of Artillery, belonging to the United States' troops, were ordered from Fort Columbus in New York harbor, to occupy Fort Wolcott, which had not been garrisoned, and Fort Adams, near Newport, Rhode Island, under the pretence of protecting the public property there; and to replace these, two companies of the same number, were ordered to Fort Columbus from Fort Monroe, Virginia, (Old Point Comfort.) Simultaneous with these arrangements, General Wool, the second in command of the Army of the United States, was ordered to Rhode Island. How dared John Tyler to send his hireling soldiery to occupy a Fort built at the national expense, to repel a foreign foe — not to endanger the safety of American citizens, while exercising their inalienable rights, in establishing that republican form of government, which the Constitution guarantees to them? How dared he profane that old outpost, sacred to freedom and popular rights, by placing strong forces there, to overawe and terrify into submission to a despotic minority, a long-suffering, and much-injured people? And, as if his meaning should not by any possibility be mistaken, 40 *round of ball cartridges were distributed to the men*, at parade, on the morning of their arrival. In the face of all these circumstances — the accumulation of troops in Rhode Island — the ordering there of veteran and experienced officers — the bringing of troops from Fort Monroe within supporting distance — the people are told that all is

done merely with a view to the protection of the public property; and this weak and miserable subterfuge, alike dishonorable to the Government, and insulting to the People, was persisted in, and directly asserted in an Extra Madisonian, lest the whole country should be indignant at these unwarrantable measures. But this "paltering, in a double sense," had all the iniquity, the meanness of falsehood, without producing its effects. No one was deceived.

Tuesday, May 3d, the Constitutional Government was organised, and the ceremony of inauguration took place. As the public buildings still remained in the hands of the Chartists, an unfinished building, designed for a Foundry, was procured for the purpose; and hence the Assembly of the People has been sneeringly called the "Foundry Legislature."

The procession, while it had no single feature of a pageant, was, altogether, the most imposing of any I ever witnessed. There they were, the hard-handed mechanics and the sun-burnt farmers, walking the earth erect as man ever should — every one with a light in his eye and an expression of conscious dignity on his brow, as if a new beam of truth had just then broke in upon his soul, revealing, for the first time, in its distinct legibility, "Here lives a MAN." But the Algerine Fops and Aristocrats saw no moral dignity in this, and even Doctors of Divinity beheld no evidence of "strong feeling." *They* are to be pitied, who could perceive only "a farce" in such an array! There was no appearance of disorder, or even levity; but a feeling deep as the heart's core beamed in their honest, intelligent faces, which were turned up to the blue Heaven, as if they were unconsciously appealing there, for the RIGHT, which was so soon to be denied them here. The Chief Magistrate appeared on foot. Well worthy was he of the place he filled — right worthy to be the champion of the Rights of Man. He had grown, and

strengthened, a scion of oak, amid the mushroom aristocracy of Rhode Island, and subjected to influences which nothing *but* oak could resist, and still be strong.

The Constitutional Assembly passed an Act, Repealing the Algerine Laws, and resolutions requesting the Governor to inform the President of the United States, that the Government of this State had been duly elected, and organised under the Constitution of the same, and that the said Assembly was then in session, and proceeding to discharge its duties, according to the provisions of the said Constitution; that the Governor should make the same communication to the President of the Senate, and Speaker of the House of Representatives, to be laid before the two Houses of the Congress of the United States; and also to the Governors of the different States, to be laid before the respective Legislatures.

The Message of Governor Dorr is a document which would do honor to any State. It is at once manly and dignified in the assertion of right, and courteous towards opposers. It is evidently the work of a great mind, and a true heart, the embodied THOUGHT of one whose large and magnanimous views of life and society, will never be interrupted or circumscribed, by the boundaries of sect or party; but must be associated with action, having for its object the welfare of man. No public document to be compared with it for statesmanship and dignity, had ever before emanated from a Governor of Rhode Island. It narrates with much clearness and perspicuity, the origin and progress of the Suffrage Movement, and in its whole tone and spirit, it affords a happy contrast to the speeches and writings of his opponents. Gov. Dorr has too much real dignity ever to be wanting in gentlemanly courtesy. It is only *small men* who use the small missiles of incivility and personal abuse. The truly great are always courte-

ous. Self-respect requires this. The man who abuses another, either by language or otherwise, descends at least to his level, however low he may be, and frequently below it; but this is a fact of which the Chartists of Rhode Island seem to be not at all aware. Take the following passage as evidence that Gov. Dorr considered himself the rightfully elected Governor of the State, under a Constitution regularly framed and adopted.

"That the sovereignty of this country resides in the People, is an axiom in the American system of government, which it is too late to call in question. By the theory of other governments, the sovereign power is vested in the head of the State, or shared with him by the Legislature. The sovereignty of the country from which we derive our origin, is in the King and Parliament; and any attempt to change the government of that country, would be deemed an insurrection. There all reform must proceed from the government itself; which calls no conventions of the people, and recognises no such remedy for political grievances. In this country the case is totally the reverse. When the Revolution severed the ties of allegience, which bound the Colonies to the parent country, the sovereign power passed from its former possessors, not to the General Government, which was the creation of the States, nor to the State Governments, nor to a portion of the people, but to the whole people of the States, in whom it has ever since remained. This is the doctrine of our Fathers, and of the early days of the Republic, and should be sacredly guarded as the only safe foundation of our political fabric. The idea that government is in any proper sense the source of power in this country, is of foreign origin, and at war with the letter and spirit of our institutions. The moment that we admit the principle, that no change in government can take place without permission of the existing authorities, we revert to the worn-out theory of the monarchies of Europe; and whether we are the subjects of the Czar of Russia, or the monarch of Great Britain, or of a landed oligarchy, the difference to us is only in degree, and we have lost the reality, though we may retain the form of a Democratic Republic."

I will indulge in a few more extracts, which illustrate not only the spirit of the man, but the spirit of the party, and the spirit of the Enterprise.

"Your attention will be required to the force law and Resolutions recently adopted by the General Assembly, for the suppression of the Constitution. Laws like these, which violate, in some of their provisions, the well known privileges enjoyed by the subjects of the British Monarchy, could hardly find favor in the land of Roger Williams. These enactments have been regarded by the considerate men among our opponents as most impolitic and unjust, and by the people as null and void, because conflicting with the paramount provisions of the Constitution. Military preparations have been made by direction of the Assembly, and the people have been consequently put on the defensive. But this is not the age nor the country, in which the will of the people can be overawed or defeated by measures like these." *

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"We are assembled in pursuance of the Constitution, and under a sacred obligation to carry its provisions into effect. Knowing the spirit which you have manifested throughout this exciting controversy, the moderate but determined course which you have pursued, your love of order, and respect for all Constitutional laws, and for the rights of all other persons, while engaged in the acquisition of your own, I hardly need remind you of your duty to cast behind you all injuries and provocations, and leave them to the retributive justice of public opinion, which will ultimately appreciate every sincere sacrifice to the cause of truth, of freedom, and humanity. Entertaining the deep and earnest consideration that we are engaged in such a cause, and conscious of our own imperfections, let us implore the favor of that GRACIOUS PROVIDENCE *which guided the steps of our ancestors*, upon this our attempt to restore and permanently secure the blessings of that well ordered and rational freedom here established by the patriotic founders of our State.

"The provisions of the Constitution relating to the security of the right of suffrage against fraud, and to the registration of voters, will require your immediate action. The State demands of its government an economical administration of affairs, and will justly complain of any increase of its expenses, at the present period.

"I cannot more appropriately conclude this communication, than in the words of the Constitution, which declares that 'No favor or disfavor ought to be shown toward any man, or party, or society, or religious denomination. The laws should be made, not for the good of the few, but of the many, and the burdens of the State ought to be fairly distributed among its citizens."

But the Journal of May 5th, tries — very feebly — *very* unfortunately — to get up a laugh at its expense; calls it nothing but "a patchwork of his own

speeches, and the articles in the New Age, on the sovereignty of the People," the "speeches of Mr. Parmenter," &c., and pronounced it to be "in the regular style of the Town House orators." Let posterity, then, judge for themselves. *They will keep Gov. Dorr's Message*, and like unto that, were the "agrarian" and "disorganising" speeches, lectures, and meetings, of the Suffrage men of Rhode Island, in their eighth struggle for Right. The Constitutional Legislature without having transacted much important business, adjourned Wednesday afternoon, May 4th, to meet at Providence on the 4th day of July.

On Wednesday, May 4th, the Charter Government met at Newport, and the inauguration number two, took place. The Charter Assembly passed resolutions, declaring that an insurrection existed in the State. A requisition was made on the President, and envoys were despatched to Washington for the purpose of asserting their claims. The procession was meagre, notwithstanding great efforts were made to get up an imposing spectacle; two of the companies being subjected to a fine of $4 per annum, for non-attendance. Several ministers of the gospel also graced the procession, they having ascertained that the People's cause was on the wane, true to the instinct of the genus, which scents popularity as a crow scents carrion, afar off, had withdrawn themselves from its support.

CHAPTER XIII.

RESIGNATIONS.

On the evening of Monday, the 2d of May, a caucus was held at the Governor's Head Quarters, where the question was discussed, whether the public property should be taken possession of, or not. This measure was recommended by Gov. Dorr, as the only avenue to success, and was urged by him with characteristic energy and strength: it was also ably sustained by George H. Brown, a very promising young member from Gloucester. But, strange to say, this measure, the absolute necessity of which so plainly appeared, was opposed, with more or less strength, by almost the whole body, beside; and one of them, at least, *threatened* Mr. Dorr, that if he persisted in it, he would entirely withdraw his support and countenance, which were of so considerable importance, that they could not thus be violently withdrawn, without involving injury, if not ruin, to the cause itself. This gentleman, who assumed so important a part in the crisis, is an old politician, and used only to the sinuous windings of a politician's course. He knew not how to go straight forward. He knew not that there was an overwhelming tide of public sentiment, and public feeling, all in his favor, and ready to bear him on triumphantly to the goal; but which, if not taken advantage of, would react as strongly in another direction, or be dispersed without action. Had Mr. Dorr been sustained in this measure, success would have been secure, in spite of everything — including John Tyler's Letter, and that without the loss of a single drop of

blood. No one now pretends to doubt this; and all, I believe, see their folly. The Algerines would not have dared to lift a musket, until they saw the United States' troops close at their heels; or, what would have been much better, marching in their van; and before this could have been effected, the Constitutionists would have presented a Government *de facto*, as well as a Government *de jure*.

I question not the honesty of intention — the true patriotism of those members who thus opposed Gov. Dorr, however unwise their conduct may appear now. They were influenced by right feeling, and right motives, and not by cowardice, as has been frequently asserted; and that they, and the men they led, were capable of being swayed by such motives, is, of itself, undeniable evidence against the slander of their enemies. When was a horde of demi-civilised barbarians, ever brought to the point where success would be almost the inevitable result, with the prospect of pillage, and the gratification of the most brutal appetites; and, in full view of all they had sought, lying temptingly before them, arrested, and held in check, through fear that *blood might be spilled* — that *war* might be the consequence of their progress? Never. The fact is incontrovertible; and, by its single evidence, proves the Algerines a body of liars, when they have asserted that the Suffrage Party were seeking only plunder, and blood, and the violation of female sanctity! when they have called them robbers, and cannibals, and "worse than cannibals;" cries which have been echoed, and re-echoed through this wide land, until the free winds are disgusted with repeating them!

The fact cannot be disguised, that the Suffrage Party unwillingly resorted to force, and that only in defence of principles they had pledged themselves to sustain; whereas, on the other hand, the very first measures taken by the Chartists, were of a warlike

character. But to return to a vindication of the motives of the Constitutional Legislature, in the act above alluded to. No one ever expressed a doubt of the legality of the government, or of the Constitution, or of the *legal* right of the government to take possession of the State's property. The only question was, whether it was *expedient* to assume a hostile attitude towards the Charter Government, backed up as they were by the whole military and naval force of the United States. They believed, too, that the question would be fairly tried before the tribunal of the Nation; and they said they would not so much as turn the key of the State House door, lest it should be construed into an act of violence. They were willing to wait patiently for the justice, which they knew they must receive. The shame of their disappointment rests not on them.

On the 4th of May, Governor Dorr issued the following:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

A PROCLAMATION.

BY THE GOVERNOR OF THE SAME.

WHEREAS, the General Assembly, on the 3d day of May, 1842, passed the following Resolution:

Resolved, That the Governor be requested to make known by Proclamation to the People of this State, that the Government under the Constitution thereof has been duly organised, and calling upon all persons, both civil and military, to conform themselves to said Constitution, and to the laws enacted under the same, and to all other jurisdiction and authority duly exercised under and by virtue of the same.

And whereas the General Assembly, on the 4th day of May, 1842, passed the following Resolutions:

Resolved, That the Governor be further requested to call on all persons, who are, or may become, indebted to the State, to make payment to the duly appointed officers and agents, under the provisions of said Constitution; and to make known to all persons, that no payment to any other officers or agents than those aforesaid, will be considered as a discharge of their obligations.

Resolved, That the Governor be requested to call on all per-

sons, who are in possession, or have charge of any of the public property, to deliver the possession or charge of said property to the authorities and officers acting under the Constitution and laws of the State.

Now, therefore, I, THOMAS W. DORR, Governor of the State, do hereby, as requested, proclaim and make known said Resolutions to the People of the State, and call upon all persons to conform themselves thereto, and to govern themselves accordingly.

[L. S.] In testimony whereof, I have hereunto set my hand, and caused the seal of the State to be affixed, at the City of Providence, this 4th day of May, A. D. 1842.

THOMAS W. DORR, Governor.

By command of the Governor,
Witness,

WM. H. SMITH, Secretary of State.

On the same day, Daniel Brown, Representative under the People's Constitution, was arrested at Newport. On the 5th, Dutee J. Pearce was arrested at the same place; and on the 6th, Burrington Anthony, at Providence; and arrests and resignations became the order of the day. On the 7th, Gov. Dorr set off for Washington, to represent in person the situation of affairs; and on the 12th, a large Mass Meeting was held in the Court of the State House, and Resolutions were passed unanimously, that no more arrests should be permitted, and to protect their Chief Magistrate at all hazards. The utmost excitement at this time prevailed.

Gov. Dorr, on visiting Washington, finding that the heads of the various departments were altogether opposed to his plans, returned to New York, where he was received with the strongest demonstrations of respect and confidence. He returned on the 16th, and was escorted from the Stonington Depot, by a large parade of the military and private citizens. A splendid carriage, drawn by white horses, had been prepared for his accommodation; and as the procession moved through the principal streets of the city, the beloved Governor was welcomed home, with the

most cheering expressions of joy. When he had arrived on Federal Hill, Mr. Dorr stood up in the carriage and addressed the People, in a very noble and animated speech. He spoke of the hearty and warm reception he had met with in New York, and then drew from his belt a sword, which was presented him in that city. He said it was presented by the brother of a gallant officer who perished in the Florida wars, while in the service of his country. "He was a brave man," said he. "He has used this sword," laying it across his arm, "in the cause of his country; and I am ready to use it in the cause of Freedom. It was never dishonored in his hands, and it never shall be in mine." An officer in the carriage took the sword, and flourished it in the presence of the spectators, who greeted it with hearty and continued cheers. This is the whole sum and substance of the famous *sword speech*, Algerine falsehoods, and false swearing, to the contrary, notwithstanding.

On the 11th, Gov. King issued a proclamation, to announce the arrival of Tyler's second letter, in which the President fully exhibits the feelings of one, conscious that he has been dragged reluctantly into a mean scrape, and is holding back as hard as he can. He, however, gives the renewed assurance of sustaining the Chartists in their unholy measures, and they are satisfied therewith.

The requisition to surrender the public property had not been complied with. The powers vested in the Executive to reclaim this property, had not been exercised. Complaints began to be made at the delay, and the Chief Magistrate was a prisoner under the protection of his friends; a constant military attendance being necessary for his personal security. The Government could not, without compromising its own dignity and relf-respect, longer

delay to take some decisive measure. In view of these facts, on the 16th Gov. Dorr issued the following:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

A PROCLAMATION.

By Thomas W. Dorr, Governor and Commander in Chief of the same.

Fellow Citizens:—Shortly after the adjournment of the General Assembly, and the completion of indispensable executive business, I was induced by the request of the most active friends of our cause to undertake the duty, which had been previously suggested, of representing in person the interests of the People of Rhode Island in other States, and at the seat of the General Government. By virtue of a resolution of the General Assembly, I appointed Messrs. Pearce and Anthony Commissioners for the same purpose.

Of the proposed action of the Executive in the affairs of our State, you have been already apprised. In case of the failure of the civil posse, (which expression was intended by the President as I have been informed to embrace the military power) to execute any of the laws of the Charter Assembly, including their laws of pains and penalties, and of treason, as it has been for the first time defined, the President intimates an intention of resorting to the forces of the United States, to check the movements of the People of this State in support of their Republican Constitution recently adopted.

From a decision which conflicts with the right of sovereignty inherent in the People of this State, and with the principles which lie at the foundation of a Democratic Republic, an appeal has been taken to the People of our country. They understand our cause; they sympathise in the injuries which have been inflicted upon us; they disapprove the course which the National Executive has adopted toward this State; and they assure us of their disposition and intention to interpose a barrier between the supporters of the People's Constitution and the hired soldiery of the United States. The democracy of the country are slow to move in any matter which involves an issue so momentous as that which is presented by the controversy in Rhode Island. But when they have once put themselves in motion, they are not to be easily diverted from their purpose. They believe that the People of Rhode Island are in the right; that they are contending for equal justice in their political system; that they have properly adopted a Constitution of government for themselves, as they were entitled to do; and they cannot, and will not, remain indifferent to any act, from whatever motive it may proceed, which they deem to be an invasion of the sacred right of self-

government, of which the People of the respective States cannot be divested.

As your representative, I have been everywhere received with the utmost kindness and cordiality. To the People of the city of New York, who have extended to us the hand of a generous fraternity, it is impossible to overrate our obligation at this most important crisis.

It has become my duty to say, that, so soon as a soldier of the United States shall be set in motion by whatever direction, to act against the People of this State, in aid of the Charter Government, I shall call for that aid, to oppose all such force, which, I am fully authorised to say will be immediately and most cheerfully tendered to the service of the People of Rhode Island, from the city of New York and from other places. The contest will then become national, and our State the battle ground of American freedom.

As a Rhode Island man, I regret that the Constitutional question in this State cannot be adjusted among our own citizens. But, as the minority have asked that the sword of the National Executive may be thrown into the scale against the People, it is imperative on them to make the same appeal to their brethren of the States; an appeal which, they are well assured, will not be made in vain. They who have been the first to ask assistance from abroad, can have no reason to complain of any consequences which may ensue.

No farther arrests under the law of pains and penalties, which was repealed by the General Assembly of the People at their May session, will be permitted. I hereby direct the military under their respective officers, promptly to prevent the same, and to relieve all who may be arrested under said law.

As requested by the General Assembly, I enjoin upon the militia forthwith to elect their company officers; and I call upon volunteers to organise themselves without delay. The military are directed to hold themselves in readiness for immediate service.

Given under my hand, and the seal of the State, at
[L. S.] the City of Providence, this 6th day of May, A. D. 1842.

THOMAS W. DORR, Governor and Commander in Chief of the State of Rhode Island and Providence Plantations.

By the Governor's command,
WILLIAM H. SMITH, Secretary of State.

On the 17th of May a direction was issued to the military of the several towns, to repair to Head Quarters forthwith, there to await further orders. In the evening of the same day, a council of mili-

tary officers was held, and a plan of operation was submitted to them. "They all thought alike," Governor Dorr says, "as to the necessity of immediate action, but there was some question as to the point at which it should commence." The enemy had possession of the State Arsenal, a large stone building, situated on an open plain, about half a mile northwest of Federal Hill, which contained from 1,500 to 2,000 stands of arms, several pieces of artillery, and ammunition, and was garrisoned by a force of 40 or 50 men. It was determined, at length, to make this building the first point of attack — since the possession of it would have enabled the Commander in Chief to maintain the position he then occupied on Federal Hill, against any force that could be brought against him — or so it was believed. A delay till past midnight occurred, in waiting for the arrival of the military from the country; and, by that time, some of the city volunteers had retired.

But I must now look back to the day previous. In the afternoon a rumor had reached the city, that the Governor was to be arrested; whereupon a company of thirty volunteers, resolved to go to the Artillery Armory, and bring away two artillery pieces, with their apparatus, for the purpose of sustaining Governor Dorr. At that time the Cadets were in their Armory, which is only 30 or 40 feet from the Artillery Armory. The Cadets had five guns apiece, ready loaded, and yet the Constitutional Volunteers stood facing their Armory for more than half an hour, and exposed to their fire. When they first saw the men, the Cadets came out, looked at them, and fired one gun — or it *might* have gone off accidentally. The Marine Artillery were also in the basement story of the same building. But notwithstanding all this strength, sufficient to have crushed them at a blow, the Constitutionists obtain-

ed possession of the pieces, and carried them triumphantly through the streets, in broad day-light. The ways were so thronged, that it was often difficult to move; yet only two persons exhibited any symptoms of a will to resist. All was pure unutterable terror and astonishment. The guns were carried to the Governor's Head Quarters.

Early on Wednesday morning, about 250 men had assembled; and they took up their line of march for the destined point of attack. At the meeting of officers, Gov. Dorr had been requested to remain at Head Quarters, but he considered it his duty to direct the operations in person, and accompanied the men, on foot, to the field. While on the line of march, and at a time when the lateness of the hour would admit of no delay, the Governor ascertained that only two of the four pieces of artillery, which he had ordered for the service, had been brought forward. On reaching the ground, a demand was made through an officer, for the surrender of the Arsenal, which demand was answered in the negative. A dense fog had arisen, causing much difficulty and delay in bringing the guns into suitable positions. And as objects could not be discovered beyond a short distance, the arrangement of placing the guns far apart from each other was changed, and they were brought into position at a point northeast from the building, and within close range of its artillery. In the mean time, a scene of confusion ensued, and a partial disorganization of the forces, in consequence of the extreme fright, and subsequent disappearance of some of the officers and men. This confusion interrupted the transmission of orders, and Gov. Dorr was obliged to traverse the field, to bring the companies into their position, and to restore order, in which he was partially successful. An ineffectual attempt was then made to fire the pieces of artillery. But to the surprise and chagrin of all, the priming

flashed, and the guns resolutely refused to obey the word of command. Daylight was now approaching, and made such fearful disclosures to the assailing party, that it was judged improper to attempt any further prosecution of the plan; and by suggestion of the officers, the guns were withdrawn, with the understanding that the attempt would be renewed, whenever a more favorable opportunity presented. This was demanded by officers and men, who, Mr. Dorr says, "were brave and true, wanting only a more thorough organization." Most of the men separated for the present, on leaving the field, the remainder accompanied the Governor to Head Quarters, where, on examining the guns, it was found that they had been plugged up by some person, but by whom, never was discovered.

I will insert an extract from a letter, in relation to the above movement; though I, not being "*for war*," disagree with the true and noble-hearted writer, in some material points. I *intend* to write the truth — if possible, *only* the truth — and, so far as it may be compressed in these "300 pages," *the whole truth.* No personal interest — no hostile feeling — no prejudice in favor of, or against any individual, or party, has been permitted to sway me. Had the Leaders of the Suffrage Party possessed the far-reaching insight, the confidence, the valorous determination, the heroic self-sacrifice, the unity of purpose, of their much abused Governor, and thus been led to co-operate with him, instead of spending their strength to oppose him, I cannot doubt that entire success would have been the result. But they HAD NOT; and these are not the days of blind surrender to the will of *any* leader — these are times of independent and individual thought and action; hence, dissentions. But I can no more believe those men were "cowards," than I believe the heroic and self-devoted *few*, who stood ready to surrender their

lives in defence of their liberties, were such. It is not *all of valor* to brave death in the field. There is another, and often a higher degree of courage, which grows out of a regard to human life; and that the Suffrage men had learned of their leaders, to DOUBT "THE RIGHT TO TAKE LIFE," in support of their cause, demonstrates that both leaders and men, were capable of feeling, and being swayed by a high and pure moral motive — all the slanders of their enemies to the contrary, notwithstanding. The following extract contains much of truth, and strongly portrays the trying situation of Governor Dorr.

"Let it be remembered concerning the attack upon the Arsenal, that, in addition to all the discouraging circumstances under which Gov. Dorr labored at that time, all his head men, Senators and Representatives, &c., refused to countenance his movement upon the Arsenal, from sheer cowardice and incapacity. They labored indefatigably, from one o'clock in the afternoon of the 17th, until one o'clock of the morning of the 18th of June, to defeat and disconcert all the measures and plans of the Governor. The historian who would be respected, should write the truth, just as it happened, strike where it will, or not write at all. I know, for I was there on the spot, that the absence of these men, whom we had a right to see on the ground, encouraging and cheering us on, by the side of the patriotic Governor, was the cause of the failure of the whole undertaking. I do know, that of all the men who were earnest and foremost in setting the Suffrage Movement agoing, nearly all who had been elected to office under the People's Constitution; all who had spouted in public meetings, and all who had resolved on war to the knife, like cowards as they were, dared not show their faces at that momentous time! Do not put the blame on the people; let the disgrace go where it ought, on those who set the ball in motion. I know the effect of such baseness at the time we were on the ground before the Arsenal, when it began to be whispered about from one to another, that such and such persons were not there, to share the dangers of the fight. Our men, one after another, soon began to leave the ground, and with reason, too. Men began to *doubt the truth* of our cause, and the *right* we had to take life, in support of our cause, when *all* of our leaders had absented themselves from us, at that dark and dreadful hour. I never can think upon that night, without uttering imprecations upon the men, who, by their absence, caused us to be defeated. I say that the whole moral force of the Revolution was broken at that time. There is where

we fell to pieces. Look at the resignations of these men the next day! Was it not in very truth an invitation to our '*lords and masters*,' to seize upon, and hang Gov. Dorr? Was it not a warning for all men, to look out, and *protect themselves* — to avoid all responsibility in future?"

Information soon came that an attack was projected upon the brave Governor, with his remnant of true men; and preparations for resistance were immediately entered into. Several gentlemen of talent and experience accepted appointments for the time, and entered into the arrangements for defence; and six guns, the agreed signal for a rally at Head Quarters, were fired at 7 o'clock. A momentary discouragement had been felt at the failure of the attack upon the Arsenal; but the men at Head Quarters soon recovered from it, and they watched for the reassembling of their companions, hoping to make a successful resistance. But contrary to the expectations of all, only a very few in the course of the ensuing hour, responded to the call.

The principal cause of this, was the publication of a handbill, headed, "Resignation of *all* the officers under the People's Constitution." This handbill had been widely circulated among the friends of Suffrage in the city. It was signed by two Senators, and nine Representatives of Providence, (all who had not before resigned,) and contained, not only a resignation of their offices, but condemned the proceedings of Gov. Dorr as "deplorable," and "destructive to the cause in which we are engaged;" it also protested strongly against the employment of force by the President.

The course which the signers had seen fit to adopt, was made known to Gov. Dorr at 8 o'clock, in a letter written by Col. Samuel H. Wales, dated May 18th, 1842, and signed by himself, Eli Brown, William Coleman, F. L. Beckford, and John A. Howland, all signers of the handbill. They stated

that the Senators and Representatives had determined to resign instantly; that they disapproved of the Governor's proceedings; and that their men would not act against their own citizens.

The difficulty of Gov. Dorr's position, was aggravated by a report, which originated with, and was put in circulation by, his opponents, that the controversy had been settled by a compromise, honorable to both parties. Some of the friends of the Constitution were so far deceived by this, as to aid in extending a report which had no foundation in fact. Several propositions of compromise had been made, and submitted to Gov. Dorr, both by his Constitutional friends, and his near relatives, who were leading men in the Charter Party. These he positively, and uniformly, refused to accept, because they all involved a surrender of the Constitution. Did any one of all those who have so freely condemned Gov. Dorr, imagine himself standing, for one moment, in his position, and think how much better he would have acted under any circumstances? They *never would have been there*, they say. True. A pigmy can never fill the niche made for a giant. But let them look at Governor Dorr — his magnanimity — his self-devotion — his uncompromising integrity — his true greatness of soul — and they will see, if they can see anything, that it is much easier to sneer at his misfortunes, than to imitate his virtues. It is difficult, indeed, to appreciate his trials. They were such as an ordinary man could neither feel, nor sustain. I subjoin an extract from his address to the People of Rhode Island, of May 21, 1842.

"You will readily appreciate the painful responsibility which rested upon me, at the point of time which I have mentioned, of deciding the course which duty required of me.

"I had endeavored to bear up with a becoming spirit against all the power and influence of our opponents; but our movements were now paralysed by our friends, most of whom, six days before, had united in the solemn determination of the mass meet-

ing, to which I have alluded, to defend their Chief Magistrate at all events. Some of them disapproved the military operation proposed on Tuesday evening; but the first information of an open opposition and general resignation was received by me, as already stated, on Wednesday morning. To this I must add that, before the receipt of Col. Wales' letter, Mr. Anthony requested me not to make his house the scene of a hostile encounter.

"Nearly one hour and a half had now elapsed from the firing of the signal guns, and our ranks had been increased by but few additions from the city or country. About 60 men of all arms, including the artillerists, as nearly as I could ascertain, were now at the head quarters. That those who remained would have sacrificed their lives to a man for my protection, I did not doubt, and their subsequent conduct fully confirmed their sincerity. I cannot express the feelings of grateful obligation which I entertain towards these brave and noble men. They could not have been mastered by their opponents without great destruction of life; and they would have fallen in the end by a superior force of 500 strong. I deemed it my duty, under all the circumstances, not to ask this sacrifice at their hands. I called to me the Colonel in command, and communicated to him the state of affairs. His reply was, "the men are leaving us." I directed him to fall back with his command, or to give such other order as circumstances might require. At half-past 8 o'clock, and with a regret for which there are no words, I withdrew from the head quarters to the town of Cumberland. Of subsequent events you are well informed.

"In the assurance that I have never compromised your rights, and have returned to friends and opponents a uniform reply, adverse to the abandonment of the principles of popular sovereignty and of equal rights involved in the support of your Constitution, allow me to add, that I have never compromised my own right to serve your cause. Having sincerely devoted to that cause all the abilities I possess, and having in your service sustained the loss of all things but honor, I may safely commit to you, fellow-citizens, my vindication from all unjust or ungenerous imputations, either upon my motives or conduct."

A word now in relation to the resignation of the Representatives, who have been stigmatised as traitors, and cowards for the act. In order to form a just conception of the position occupied by the Representatives, the situation of the Suffrage Party should be taken into the account. Most of them were mechanics, and men of moderate means, unacquainted with the technicalities of the Law, and,

although believing they were right, yet beholding almost the entire legal profession deserting them. The troops of the United States, and the power of the General Government, were arrayed against them, without the knowledge that they would be supported by a single State government; and almost with the certainty of involving the country in a civil war, the result of which no one could foresee, but of which Rhode Island, being the theatre of action, would be inevitably the greatest sufferer. Added to this, was the example of hundreds of men who had always acted with them, forsaking their old friends, and rushing to the ranks of the enemy. The Party was also poor. The citizens had exhausted their whole means in the controversy. They beheld before them a body of men, without discipline, without commanders, without arms, and without provisions. Indeed, the morning after the attack upon the Arsenal, the men with Gov. Dorr were found without means of their own, of procuring a breakfast. It is not strange that in view of all these discouraging circumstances, human weakness faltered; and the weight of responsibility resting upon the officers — a responsibility involving such fearful consequences — should have impelled them to the course they took. It was not through fear of the Algerine law; for they were already implicated as deeply as possible; but it was to prevent the sacrifice of life, which appeared inevitable. It was the opinion of many of the leading men of the Suffrage Party, at the time of the organization of the government, that when legally organised, the Charter Government would yield obedience to it, so that the rightful and constitutional powers might go peaceably into effect. This they probably would have done, but for Tyler's Letter; and, further, it can hardly be doubted that the question of Constitutional Right would have been sustained by Congress, had it been properly set

before them. To do this, was only the constitutional duty of that Body. If Tyler had not interfered with the sovereignty of this State, the People would have taken care of themselves, and of their Government, if *they* had been allowed to settle the question. They did not fear any resistance to their legal authority, so far as this State was concerned; but they could not be expected to resist the whole force of the United States.

In view of all these circumstances, I think the signers of the handbill may be justified in their course, although a very different result might have been consequent upon a different course of action.

Had they convened themselves together, and resolved, one and all, that they would neither engage in, nor sanction, any warlike measure, but that they *would* sustain their PRINCIPLE, to the utmost extremity — If they had publicly proclaimed this, and had been molested in the peaceable exercise of the functions of their several offices, and given themselves up, to be marched in a body to the State House, or the Star-Chamber, and thence to the State prison, until that prison was filled, and new prisons had been erected, to contain them and their adherents, they would have presented what the world never saw — the sublimest spectacle under Heaven — a whole government yielding themselves up, as martyrs, to the cause of Liberty, and Truth, and Right; and the whole country — the whole world — would have responded to their claim — they would have said; "These men are seeking only RIGHT, and RIGHT they must, and *shall* have." I doubt not that many of those men had sufficient heroism for this, had the idea occurred to them; for they have exhibited the highest kind of courage, moral courage — in daring to be called cowards, for the sake of what they believed to be right.

I give the following extract from a letter, by one

who was present, and an actor in the scene, as descriptive of the attack on Federal Hill.

"In the mean time, the enemy had been mustering all their forces preparatory to an attack. Steamboats had been put in requisition, sent to the south part of the State, and everything in the shape of men dragged on board, to swell the numbers. Old men and boys, black and white, from all parts of the State, were poured into the ranks — the stores and shops were closed, and all business was suspended. In forming the column, with regard to rank, a difficulty occurred among the troops, which it took some time to settle. The Providence Infantry, at that time, were not so tenacious of their claims, as they had been on a former occasion, and were willing to resign the post of honor to the Newport Artillery, which honor the latter company very politely declined, saying, 'we have come here to assist you, but not to do *all the fighting*.' The difficulty was finally settled. The Artillery took the right, and the Infantry posted themselves in the rear, much to their satisfaction. Everything being now ready, this formidable array, numbering probably 1000 men, took up their line of march under the command of the veteran Col. Blodget, arrived at the foot of the street under the brow of the hill, and there halted. This street is called Atwell's Avenue, and passes directly by the house of Burrington Anthony, then occupied by Gov. Dorr as his Head Quarters. The enemy at this time had knowledge of the fact, that Gov. Dorr had disbanded his troops, and retired, and that the troops had left the field. There were not at this time 20 muskets to be found on the ground. Several hundreds of the Suffrage men, without arms, or any means of defence, remained scattered over the ground. About 50 brave men who had charge of the two brass pieces, faithfully stood by them, and bravely defended the ground against this mighty

force, numbering at least 1000 muskets, and 6 pieces of artillery.

"A message was received from the enemy, who still lay concealed under the hill, in confirmation of the report circulated early in the morning, that if Gov. Dorr would retire from the State, and the troops disband, and leave the ground, a compromise would be negotiated, honorable to both parties, and all that the Suffrage Party had ever contended for, should be granted. An influential gentleman of that party proclaimed from an upper window of Head Quarters, that he had full confidence in the integrity of our opponents; and, further, that Gov. King had pledged himself to that effect. This, however, was not satisfactory. We had been grossly deceived by them before, and had no confidence in their integrity. We demanded that Gov. King should come forward, to confirm the truth of what had been promised. 'Make room! Make room! Gov. King is coming!' resounded through the crowd. A way was opened, and Mr. King, accompanied by the High Sheriff, passed through, and entered the house of Mr. Anthony. The presence of the Governor inspired the people with a momentary belief of a speedy termination of the difficulties, which was manifested by considerable of a hearty cheer from the multitude. The Sheriff soon appeared at the widow, calling out, 'Order! Order, Gentlemen!' In reply to this impretions, hisses, and threats were uttered by the throng; when Gov. King immediately passed his head out of the window, saying, 'Gentlemen, the Sheriff will now proceed to search the house for Thomas W. Dorr.'

"'Treason! Treason! No. Never!' echoed and re-echoed from the multitude; and a general rush was made for the door. Gov. King most fortunately succeeded in making his escape down the back stairs, and over the fence in the rear of

the house, when he was no more seen by us for that day.

"The two pieces of Artillery were stationed in the street, about half way between Head Quarters and the brow of the hill. Several demands were made upon us to surrender them, all of which were indignantly refused. We told them to come and take them; but with their 1000 men, and 6 pieces of artillery, they dared not. And yet they boast of marching up in solid column, against batteries and bayonets, and driving all before them. The enemy advanced, until we, who were stationed in front, could just see the tops of their hats. They then halted 15 or 20 minutes, just under the brow of the hill. Wheeling off to the south, they then passed round the hill, and up Federal street, through an alley in the rear of Mr. Anthony's house. During this time, the artillery pieces had been removed on to an open plain further from the house. As the enemy advanced upon us, the word "Fire," was given, when the whole regiment scattered, in the utmost confusion, panic stricken, like a flock of frightened sheep, without a leader. In their abrupt retreat, they knocked down several sections of a rail fence, and all hid themselves behind whatever shield presented itself, not excepting the gallant Colonel. Some of the men left, and the remainder rallied and came forward again, but only to enact the same farce.

"During this time, another small detachment from the main body, under the command of Col. Martin, gained the summit of the hill — there being no force to oppose them — at a point a little south, and under shelter of the bank through which the street had been cut. And they won for themselves immortal honor — which very few will covet. After steaming up their courage a little, and being somewhat recruited, they ventured to advance, and make

another demand for the guns, which was treated with contempt. The artillery men, the only opposing force at this time on the ground, bravely maintained their position, hurling defiance at their foe. They continued to fall back, to prevent the enemy from gaining their rear, removing the pieces of artillery as they retired, until they reached an open plain adjoining Tift's Woods, so called, north of the road. There on the edge of the hill they planted their pieces, bringing them to bear on the east, southeast, and south. In the rear we were protected by the descent of the hill, which was inaccessible, it being at least fifty feet in height, and nearly perpendicular.

"About this time, S. A. Comstock, of Burrillville, and Henry D'Wolf, of Uxbridge, Mass. arrived on the ground. An organization then took place, by choosing D'Wolf as commander, who appointed Comstock as his Lieutenant. At this time the entrenchment was in operation, the direction of which was pointed out by D'Wolf, and afterwards discontinued by him. The field being covered with spectators, was ordered to be cleared. This was soon done, and sentries were posted by the road side. At about 4 o'clock, B. Anthony, and Crawford Allen, came on to the field, the latter requesting us to surrender the brass guns. This was promptly refused; and the gentlemen had leave to leave the field. In the mean time, the reinforcement which we expected, did not arrive; and, to the chagrin of officers and men, a committee, as they called themselves, came to D'Wolf, and *demanded* the surrender of the guns, saying they were under bonds to return them that night. D'Wolf told them that physical force was opposed to the execution of a bond; that they might come and take the guns, but it should be over the muzzle if any way. The citizens sent us some refreshments of beef, bread, cheese and beer; but no ardent spirits were permitted on the field; after

which, drilling was renewed. At sun-set, when the night-guard was posted, it was deemed proper to declare the field, including one street, under martial law; of which the citizens were apprised. A vacant house standing on the western extremity of the field, was taken possession of for quarters, about 9 o'clock. No recruits coming in, a recruiting sergeant was sent to Pawtucket to raise a reinforcement. About midnight D'Wolf and Comstock left Head Quarters, under pretence of going around the outposts, and penetrated through and about the city. Finding nothing glaring, it was thought a favorable opportunity to secure the State Arsenal, on which a feint had been made the night previous. To this end, as soon as they returned to Head Quarters, Comstock, with a guide, was directed to reconnoiter the lines about the Arsenal. He made his round, and reported himself at Head Quarters, that nothing was in the way; upon which it was resolved, that if 20 recruits arrived, the attack should be immediately made. But to the extreme mortification of all, about 2 o'clock their despatch returned from Pawtucket, without success; and the expedition was reluctantly abandoned. There were barely enough, of our men, to relieve the guard; and most of these had been on duty the previous night; but their determined spirits never faltered. At day-break an alarm was fired; still no support came; when about 8 o'clock, it was deemed proper to withdraw. Having no horses, or the means to procure any, to remove the pieces, we left the field; and thus ended this bloodless campaign, in which none were killed, none wounded, and none taken prisoners."

CHAPTER XIV.

MARTIAL LAW.

On the 17th of May, Gov. Dorr addressed a letter to Gov. Fairfield, of Maine, informing him of the position of the Suffrage Party, and requesting him to bring the proceedings of the President, and the question of the rights of the people of Rhode Island, before the Legislature of the State of Maine, which was either then, or soon to be in session. This request was complied with. Action was taken on the subject, and a committee was appointed to report on the question. This committee presented two reports — a minority report in favor of the Chartists, and a majority report in favor of the Constitutionists.

Nearly at the same time, Gov. King made a requisition on Chauncey F. Cleveland, Gov. of Connecticut, for the surrender of Gov. Dorr, as a fugitive from Justice, which was finally refused. A requisition was also made on John Davis, Gov. of Massachusetts, which was granted. In justice to Gov. Davis, I would say, that he pronounced the Algerine Act to be *unconstitutional*, and said he would grant no requisition to surrender any person under it. He afterwards did surrender two persons, Messrs. Luther and Sayles, in compliance with a requisition under that act; but when he became aware of the fact, he withdrew his authority, and ordered the Sheriff not to make any arrest. But in refusing shelter to the exiled patriot, he acted upon a principle which would have prompted the surrender of Milton, Hampden, and Sydney, as fugitives from justice, had they sought protection in this country, upon the requisition of their dissolute and tyrannical monarch. And Gov. Seward, of New York, to be consistent with his principles, should have driven back the revered and

cherished Gambradella, and Maroncelli, to rot in the prisons of Austria, and the excellent and lamented Follen, to be crushed beneath the iron heel of despotism. Thus we see, that old Massachusetts, through her Governor, thrust forth from her boundaries the modern Exponent of the great American Principle, and sustained the usurpers who were violating that principle.

On the 8th day of June, Gov. King, by proclamation, announced that Gov. Cleveland had refused to comply with his requisition; whereupon, by advice of the Council, he offered "a reward of One Thousand Dollars, for the delivery of the said Thomas Wilson Dorr to the proper civil authority of this State, within one year from the date hereof, that he may be dealt with as to law and justice shall appertain."

An effort had been made by Mr. Whipple on the part of the Chartists, and Messrs. Harris and Anthony, on the part of the Constitutionists, to adjust the difficulty in an amicable way. After their return from Washington, these gentlemen met, when Mr. Whipple presented the following schedule of the proposed compromise.

"MEMORANDUM."

"An action forthwith to be brought in the United States' Circuit Court, involving the validity of the People's Constitution, to be tried and decided as soon as possible. *The facts to be first ascertained by a suitable committee, to be chosen by agreement of the parties.*

"Until the final decision of such case, proceedings under the 'act in relation to offences against the sovereign power of the State,' to be suspended, exactly in the present state.

"Until such decision, the present government of the State (of which Gov. King is head) to remain

in the full exercise of their authority, and the persons claiming to exercise authority under the People's Constitution, to omit such exercise altogether."

"Providence, May 17, 1842."

The terms of this compromise, — or rather the compromise itself, was urged, without naming terms — were proclaimed from the window of Head Quarters, on the morning of the 17th, by Messrs. Harris, Aldrich, and Ashley. There was much, and is much dissatisfaction, still, in connection with the part which these gentlemen took on that occasion. As it appears, there must have been a misunderstanding among the several parties. Mr. Whipple had found it impossible to bring the Governor and Council into *his* views; and so the whole matter was exploded. It is judged by many, that it would have been much better for the Suffrage Party, had Mr. Whipple's proposition been complied with; for Mr. W., though an avowed aristocrat, is, I believe, an honest man. But it appears to me Gov. Dorr was right in rejecting this proposition, since it certainly did involve a surrender of THE GREAT PRINCIPLE. Of course, the Chartists had possession of all the public treasuries, together with the banks, and the State's portion of the surplus of the U. S. Revenue, which was to be employed as a fund for the support of public schools; and they did not fail to *use* the public property, to the furtherance of their wicked plans. A general organization of the military took place, and the troops were ordered to hold themselves in readiness to march at a moment's warning. The State at this time was wholly under the control of the Governor's Council — the Chief Magistrate, himself, being a mere cypher, and acting in obedience to the will of this body. The forces of the State amounted to at least 3000 strong; and Wm. Gibbs McNeill, was appointed Commander in Chief of this great army.

Vague and false reports were daily circulated, that

Mr. Dorr, aided by his friends in New York and other places, would soon return, supported by a gang of ruffians, to sack the city. These reports were circulated through the columns of the Journal, a paper wherein the truths are to the falsehoods, "as two grains of wheat hid in two bushels of chaff; you shall search all day ere you find them, and when you have them, they are not worth the search." Among the false statements in this odious point, one of the few which deserve notice, is the story circulated at this time, that Gov. Dorr was *deranged.* I wonder not they thought so. Straight-forward honesty — self-devoted patriotism, must have been so incomprehensible to men, who were incapable of being swayed by any other than selfish motives, as very naturally to connect the idea of insanity, with one, who, in his generous exertions for the good of others, forgot himself.

On the 26th, Gov. King published the following:

BY HIS EXCELLENCY SAMUEL WARD KING,

Governor, Captain General, and Commander-in-Chief of the State of Rhode Island and Providence Plantations.

A PROCLAMATION.

Whereas the General Assembly of the State of Rhode Island and Providence Plantations did, on the twenty-fifth day of June instant, pass the following act, viz:

AN ACT ESTABLISHING MARTIAL LAW.

Be it enacted by the General Assembly, as follows:

Sec. 1. The State of Rhode Island and Providence Plantations is hereby placed under martial law; and the same is declared to be in full force until otherwise ordered by the General Assembly, or suspended by proclamation of his Excellency the Governor of the State.

I do, therefore, issue this my proclamation, to make known the same to the good people of this State, and all others, that they may govern themselves accordingly. And I do warn all persons against any intercourse or connection with the TRAITOR THOMAS WILSON DORR, OR HIS DELUDED ADHERENTS, now assembled in arms against the laws and government of this State; and admonish and command the said Thomas Wilson Dorr and his adherents, immediately to throw down their arms

and disperse, that peace and order may be restored to our suffering community, and as they will answer the contrary at their peril. Further, I exhort the good People of the State, to aid and support, by example and by arms, the civil and military authorities thereof, in pursuing and bringing to condign punishment, all engaged in said unholy and criminal enterprise against the peace and dignity of the State.

In testimony whereof, I have caused the seal of said State to be affixed to these Presents, and have signed the same with my hand. Given at the City of Provi-
[L. S.] dence, on the 26th day of June, in the year of our Lord one thousand eight hundred and forty-two, and of the Independence of the United States of America to sixty sixth.

SAMUEL WARD KING.

By his Excellency's command:
HENRY BOWEN, Secretary of State.

The Algerines here commenced the course of absurdities which afterwards distinguised all their movements. Martial Law was declared by the Legislature, a body of civil functionaries; and this is, perhaps, the only instance in which Martial Law was ever known to be declared by the Legislature of any State. The Students were dismissed from Brown University, and the college buildings were appropriated as barracks. Armed guards paraded the streets constantly; and, in violation of the Constitution of the United States, and of all right, commenced their series of house-breakings and insults. Doors and windows were burst in by these armed ruffians; locks were broken, or forced open; private apartments were entered without leave, or notice; and, not unfrequently, half dressed, or undressed females, were dragged forth with mockery and insult. Many of those engaged in committing these outrages, held high places in the church. Ministers, deacons, and church members, invaded the houses of their fellow communicants, and the bonds of christian union were violently broken. Others held commissions, and were receiving salaries, from the civil departments under the United States, but no check with-

held any from the prosecution of these wicked designs. Neighbors trespassed on the social right; christians forgot the privileges of christians; and men the rights of men.

Sometimes it was said that Mr. Dorr was coming with a powerful force in some steamboat; when, with great terror, all flew in that direction; then, that he had landed in Massachusetts, and arrived in Woonsocket, where it was stated he had commenced throwing up works of defence. Scouts, spies, and expresses, were sent in that direction; every movement was turned towards that quarter, and the most intense exitement prevailed.

On the 23d, Gov. King issued his orders to the military, to hold themselves in readiness to take the field at a moment's warning. On the 24th a steamboat was ordered to the south part of the State, to transport the troops from Warren, Bristol, and Newport; and on the afternoon of the same day, the boat returned, bringing in three companies of artillery, and seven pieces of brass ordnance, six pounders. The boat was again despatched down the Bay on the 25th, and continued the transportation of the forces, which were pouring in from all parts of the State. A company of Sea Fencibles, composed of Mariners, and numbering 65 men, was formed. They were to have the care of the great Paixham gun, a thirty-two pounder, and an iron twelve pounder. A company of Carbineers was also formed, consisting mostly of young men from Rhode Island, then resident in New York. They were armed with Colt's six barreled repeating carbines. On Saturday morning, June 25th, the act passed the Legislature, placing the State under Martial Law; and on Sunday morning, the 26th, guards were posted at all the avenues leading into the city, and in Market Square. The streets were densely thronged with the military and citizens, and WAR became the sole topic of dis-

course. Thus a formidable array of more than 3000 troops was concentrated at Providence, of which Wm. Gibbs McNeill was appointed Major General, who entered directly on the duties of his office, taking up his Head Quarters at the Tockwotton House. His first military orders were issued, June 25th. On the 27th the banks were closed by order of Gov. King, and their business discontinued for the week; and on the same day the Mayor issued the following:

MAYOR'S PROCLAMATION.

CITY OF PROVIDENCE.

In the present emergency, the Mayor directs that the following regulations be observed in the city.

All persons not on patrol or other duty, are to retire to their houses at 10 o'clock at night, at which hour all shops must be closed.

Persons wishing to leave the city, will call at the Mayor's office, or upon some officers authorised by the Governor to give them, and no person can cross Seekonk River after 8 o'clock, P. M.

Permits are not required for persons leaving in railroads and steamboats.

All persons are positively prohibited from assembling in large groups after dark, and it is specially urged upon parents, to keep at home their children and young persons under their charge after dark.

Citizens are requested to hold themselves in readiness for fatigue duty in throwing up entrenchments.

In case of an alarm of fire, the POLICE COMPANIES will assemble immediately at their alarm posts under arms. Citizens are urged to repair to the fire to aid in working the engines, but groups of idlers will not be permitted in the neighborhood of any fire.

In case of an alarm of fire, the citizens will immediately place lights in their windows.

All persons are cautioned not to attack or insult any patrol or guard, such offences will be severely punished.

If any person is injured by the patrol, let him apply to the Mayor for redress, the patrols and guards must be obeyed.

While the undersigned regrets the necessity of imposing unusual regulations, he informs the citizens that they must be complied with for the protection of our lives and property.

THOMAS M. BURGESS, Mayor.

Providence, June 27th, 1842.

The Mayor requests all persons who do not intend to be with

the military, to assembly at the GREAT BRIDGE to-morrow morning, (this day) at 6 o'clock, with pick axes, shovels, crowbars, &c., to throw up redoubts when needed, at the outskirts of the city.

The Legislature under the People's Constitution, stood adjourned to meet on the 4th day of July. To avoid, if possible, a collision with the old Government, it was determined to meet in some country town, where, if the enemy should attack them, they could make a better defence. The village of Chepachet, in the town of Gloucester, 16 miles west from Providence, and within 8 or 10 of the Connecticut line, was selected, as affording the most accessible means of defence, in case of an attack. On Wednesday, the 22d of June, some few of the officers and men assembled at the place, and commenced arrangements in advance of the meeting. Their numbers increased daily, and they continued gathering in arms, and began fortifying Acote Hill, on the east side of the road, perhaps a hundred rods south of the compact part of the village. Some forty or fifty years since, the body of a man by the name of Acote, and who was supposed to have been murdered, was found here, which gave rise to the name. An entrenchment was thrown up, covering the road on the southeast, south, and west; and six pieces of cannon were mounted, which could be brought to bear in those directions. The situation in which the party stood, and the circumstances under which they were called together, being considered, it could not be expected that much order or discipline should be found in the suffrage ranks. The whole camp presented a scene somewhat like many which occurred during the revolutionary struggle.

Gov. Dorr arrived in the village on Saturday, the 25th. He established his Quarters at Gen. Sprague's Hotel, and on the same day issued the following :

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

A PROCLAMATION,

BY THE GOVERNOR OF THE SAME.

By virtue of the authority vested in me by the Constitution, I hereby convene the General Assembly, which was adjourned to meet at Providence on Monday the 4th of July next, at the town of Gloucester on the same day, for the transaction of such business as may come before them.

And I hereby request the Towns and Districts, in which vacations may have occurred, by the resignations of Representatives or Senators, to proceed forthwith to supply the same by new elections, according to the provisions of the Constitution.

Given under my hand and the seal of State, at Gloucester, the 25th day of June, A. D. 1842.

THOMAS WILSON DORR.

—

GENERAL ORDERS.

HEAD QUARTERS, Gloucester, R. I.
June 25th, 1842.

I hereby direct the military of this State, who are in favor of the People's Constitution, to repair forthwith to Head Quarters, there to await further orders; and I request all volunteers and volunteer companies so disposed, to do the same.

It has become the duty of all our citizens who believe that the People are sovereign, and have a right to make and alter their forms of government, now to sustain, by all necessary means, the Constitution adopted and established by the people of this State, and the government elected under the same. The only alternative is an abject submission to a despotism, in its various practical effects, without a parallel in the history of the American States. I call upon the people of Rhode Island to assert their rights, and to vindicate the freedom which they are qualified to enjoy in common with the other citizens of the American republic. I cannot doubt that they will cheerfully and promptly respond to this appeal to their patriotism and to their sense of justice; and that they will show themselves in this exigency to be the worthy descendants of those ancestors who aided in achieving our national independence.

THOMAS W. DORR, Governor,
and Commander-in-Chief.

By order of the Commander-in-Chief,
WILLIAM H. POTTER, Adj. General.

At this time there were probably 1000 men in the village, destitute of arms; and in the encampment, about 300 armed and equipped, not including those

who manned the batteries. Reports were current, that the enemy contemplated an attack, which were discredited by many, believing they designed nothing more than the defence of Providence. Sunday morning the roads were filled with people, on foot and in carriages, pressing on to the village from every direction. Thousands were not permitted to enter, being stopped by the guards, until the roads were, for miles, blocked up with carriages. This state of things continued through the day. Several prominent men of the Suffrage party arrived during the day, who, at an interview with Gov. Dorr, endeavored to dissuade him from his purpose; but he was still unyielding. Information which could be relied on had been received, which left no doubt that orders had been issued that morning, by Gen. McNeill, (who was comfortably quartered at the Tockwotton House,) for the government forces to be put in motion. Their disposition of attack was by forming three divisions, the first commanded by Col. Wm. W. Brown, was ordered to Chepachet, via Greenville; the second, under Col. Josiah H. Martin, was directed to take the road north, through Woonsocket; and the third, under Col. Swan, proceeded to Chepachet by the way of Scituate. The Volunteer Police corps in Providence, were organised for the protection and defence of the city, under the name of the City Guards. The third Brigade, under Gen. John B. Stedman, was composed of the Third, Eighth, and Eleventh Regiments, belonging to the south part of the State, together with a considerable number of volunteers. The Kentish Guards, under Col. Allen, the United Train of Artillery, under Col. Bradford Hodges, the Carbineers, under Captain Olney, the Pawtucket and Central Falls Volunteers, under Captain Potter, were stationed at Pawtucket, and the Pawtuxet Artillery, were posted at Pawtuxet. The plan of operations of the

Charter Government, was to concentrate a considerable portion of their forces in front of Mr. Dorr's Camp at Acote, by marching detachments to Chepachet, by different routes. Another object was to throw in a strong force between the Connecticut line, and the encampment, in order to cut off the retreat of the Constitutionists in the rear. As preliminary to this, the Third Brigade, Gen. Stedman, was marched towards Foster, where, with the Fourth, under Gen. Greene, it could form a chain of posts in the rear of the Suffrage Party. Col. Martin's regiment was marched to Woonsocket, Monday, June 27th, at 10 o'clock, A. M. They were to have been followed in the afternoon by the Sea Fencibles; but some mistake occurred about transportation, and that corps was detained till Tuesday morning. On Sunday, Col. Brown's regiment took up their line of march for Chepachet, via Greenville; a detachment of which took the road by Fruit Hill; and the regiment of Col. Swan marched on the same day to Scituate; also the Third Washington Brigade, under Gen. Stedman, took the road through Foster.

CHAPTER XV.

THE PRISONERS.

It may be asked why, in view of all these difficulties, why Mr. Dorr did not think best to abandon all further proceedings? Reasons did exist for this; and they were weighty. A failure in the first attempt did not affect the question of right involved in the principle; and the Chief Magistrate was of too sanguine and determined a character, either to believe that his friends would abandon him, or that

success was impossible. How *should* he believe that those "who had voted for their own freedom," would sell that freedom for a mess of pottage; or that they would not be ready to rally round the Constitutional standard, in its defence? Accordingly, his orders were issued, and repeated, to all the towns in Providence County, for the military friendly to the Constitution, to repair forthwith to Head Quarters; but to his utter astonishment, and inexpressible chagrin, so feeble was the response, and so meagre was the gathering, that only 225 armed men were found in the Constitutional ranks, at Acote, on the 27th, the day of the disbandment. This was a sad falling off from the numbers who had been pledged to sustain him. These were represented to be more than 1,300; and a rumor also reached Mr. Dorr, that 500 men, under arms, were already at Chepachet. Of the 3,500 who voted for the Constitution at Providence, but 35 men, and 10 officers, came forward to sustain it! A new panic had seized them. They declared that all they wanted had been obtained, in the call which had been given by the Charter Assembly, of a Convention to frame another Constitution. Many of Mr. Dorr's friends in Providence, had signed a paper, stating that they denounced his proceedings, as no longer to be "tolerated."

The Chartists held possession of all the available means in the State. The keys of a full treasury were in their hands; and the funds were lavishly expended. They had the money, the popularity, the power of Rhode Island, and the sword of the United States, to sustain them; but still, so long as the Constitutionists held up their heads, and showed themselves men, by boldly asserting their rights, they dared not very deeply trespass. But the moment they gave symptoms of doubt, and misgiving, and fear, the cowardly foe gathered courage, and swaggered furiously. The proportion of the Char-

tists to the Suffrage men, was as eighteen to one; and that of the three divisions which were sent against Chepachet, was as eleven to one.

In view of these discouraging circumstances, a council of officers was held on the morning of the 27th. They saw that the cause was repudiated by almost all of its former friends — hundreds of whom were daily taking up arms in the ranks of their oppressors, to be used against a cause, which they had so solemnly pledged themselves to support. They had assembled in arms to sustain a Constitution which had been formed by the will of the majority; and, as they confidently expected, to be sustained by that majority. But contrary to this, *their majority had denounced them to the enemy*, and thus deprived them of the Constitutional right to resist further. They saw before them a handful of men, ready to immolate themselves on the shrine of Liberty — ready to seal with their heart's blood, the word of truth they had pledged, to support their beloved Governor. Their post was destitute of a supply of water. They had provisions sufficient only for one day. The quantity of balls for the artillery pieces, would have been exhausted in an engagement of fifteen minutes. They acted wisely. They acted justly. They could not see the sacrifice of so much self-devotion. Thomas Dorr was never more a hero than when he gave the order to disband. That was his crowning act of nobleness. He knew the obloquy that would be heaped upon him, and HE DARED TO MEET IT; and he *has* met it, with an uncowering dignity — a complete manliness — which has robbed slander of her deadliest fangs. But no language can portray the feelings of his men, when this order was made known to them. They felt that they were not overcome by their enemies, but by their friends; and, in their unutterable anguish, strong men wept.

Let the world judge whether Gov. Dorr acted

right. He was "in arms for all, in the name of all," to sustain the rights of all, and not to advance the interests of a party. From the will of the majority he had received his power to act. That will had been his law; and when it was withdrawn, how could he act legally in opposition to it? Or how could he act rightfully, in the sacrifice of the self-devoted few, who were still willing to sustain him? It is not strange that the arms fell from his hands, when he saw himself arrayed in opposition, not only to his foes, but to his friends. It is true the great principle remained the same; and so it would have been, had *every* man turned traitor; but when the people of Rhode Island had shown themselves unwilling to receive their freedom, had their Governor a right to force it on them? I think not. I speak here entirely without regard to the merits of the question of withdrawal from the support of the Constitution, and only in relation to the overt action, the outside facts of the case; for Mr. Dorr, having no right to suppose that the private opinion of his late friends was contrary to their expressed opinion, was bound only to act upon the latter. That opinion *did* act upon him, with all the force of truth. By it he was surrendered to all the deadly persecution of his enemies — to the influence of a spirit more bloodthirsty, more deeply venomous, than perhaps has ever been manifested, towards any individual in modern times. He has dared all this — he has borne all this, with the heroism of a great soul, without mitigation, and without complaint. Upon his single head have been poured out the seven vials of wrath — the whole concentrated anger and hatred of his enemies; yet he has been always firm; for his anchor has grappled deep beneath the everlasting rock of Truth and Right.

A huge outcry has been raised against the Constitutionists, as has been before said, and they have

been called by many ugly and wicked names, such as the "Butt-Enders," "Fag-Enders," "The Rabble," "The Mob," "Incendiaries," "Pirates," "Cannibals," and "Worse than Cannibals;" and, in terms perhaps still more detracting, the "Dormouse Party;" while their character and intentions have been made to square with these titles, which are singularly expressive of the refinement, and honesty, of those who coined them. But words are words; and facts are quite other than they. One fact stands uncontroverted — and it has been publicly asserted by a Charter lawyer of high repute — that no single instance of the invasion of private right, has ever been sustained against any individual of the Suffrage Party. One single trespass *was* committed; but prompt compensation was rendered. Many slanderous falsehoods were, indeed, put in circulation, concerning what the Suffrage men were *going to do;* but no one can show a single outrage that they *did do.* If they were, as they have been represented, why did not the Chartists prove it? They had the public purse, the public sword, all the influence and popularity of the clerical and legal professions — the countenance of all the State officers — the cases *prejudged in their favor;* and all "appliances and means to boot" — and they have shown *nothing* — they could not show anything, for if they could, they would have done so. In those scandalous stories were fore-shadowed the real intentions of the Algerines themselves. They drew the black picture from their own black hearts. The "sacking of Providence" was but a type and symbol of the "sacking of Chepachet." But with how very ill a grace should these accusations come from men, in whose ranks theft, robbery, and burglary, were common crimes! But they continue to make these assertions, with audacity which nothing can subdue, and that in the very face of the evidence

that they *have done*, what they say the Suffrage men *would have done*. But they are the lords parmount. They stand above censure, and beyond question.

The victory over the Constitutional Fort at Acote, has been made the subject of the weakest and silliest exultation. Let us come near enough to see, and try how well this point can be sustained. The division of the Charter forces nearest Providence, at Greenville, must have received the order to advance from Head Quarters at Providence, as early as 9 or 10 o'clock on Monday evening, when the news of the disbandment must have reached them; for they began to capture the Constitutional troops, on their return home; and by these, if not at an earlier date, by their own scouts and spies, they must have been informed of the truth. Yet the division was not put in motion until the next day, and they did not reach Chepachet until a quarter before eight, thirteen hours after the disbandment. And the gallant Colonel also took care to ascertain that the picket guard of only 20 men, stationed below Chepachet, had been withdrawn, before he ventured to move. It is supposed that the officers kept the secret of the disbandment entirely to themselves, and that the men knew nothing of it; and this accounts for the fact, that, when approaching the village, and hearing the artillery pieces discharged — as they were by some gentlemen who went into the camp after its desertion — so many of the brave Algerines fainted away. The Suffrage men are said to have shown a want of spirit in leaving Chepachet; and their disbandment has been stigmatised as flight; but what shall be said of an army of 2 or 3000 men, under experienced officers, well armed and equipped, with thirty field pieces, and surgeons enough to take care of them, if every man was wounded, who yet shrink from attacking 225 men in an untenable position, and such as the Constitutionists are described to be? Look at

the following specimen of empty boasting, equally false and ridiculous, in one of the general orders of the day.

"*Orders No.* 54. Head Quarters, &c., June 28th, 1842. — The village of Chepachet, and fort of the insurgents, were STORMED at a quarter before eight o'clock, this morning, and *taken*, with about *one hundred prisoners*, by Col. William W. Brown; *none killed — none wounded.*"

Yet the fort, when they arrived there, was as empty as their own boasting. Not a single man in arms was found in it. The return of only half a dozen of the Suffrage men to Woonsocket, on the evening after the disbandment, caused such an alarm to the Algerine forces stationed there, as to occasion the getting up and rehearsal of a *real* "farce." It seems that on Monday evening, sentinels were sent out about two miles from the village, to the top of a high hill, to discover, if possible, any movement of the Dorrites, and report with all possible despatch. About 10 o'clock two men were discovered at some distance, on foot, and coming towards Woonsocket. The brave sentinels, filled with terror, took up their line of march, running their horses at the top of their speed, to give warning to the Algerines, who were snugly esconced at Woonsocket. A call to arms was instantly given, and the troops fled with all possible expedition, falling back towards Mannville, a village some four miles distant, and Woonsocket was left without a soul to defend it, except women. On finding that no invading foe had arrived, they were ordered by their commanding officer back to Woonsocket; and on Tuesday morning they re-entered the village, with as much pomp, though on a small scale, as was displayed by Napoleon on entering Paris, after his return from Elba. The Chartists have certainly, throughout the contest, displayed "the better part of valor," in an eminent degree;

nor are some of the Suffrage officers entirely without claim to this praise; and, in strict justice, they should have their due.

But I must return to the sacking of the village. On the arrival of the Charter troops, two or three of the Suffrage men, together with three gentlemen from Boston, were engaged in removing the cannon from the hill; and they had succeeded in getting all down but two. One of these men, Mr. Lord, stood just before the battery when Col. Rivers came up, in great agitation, and pointing towards the fort, asked, in tremulous tones, "*Will* they fire?" "No," replied Mr. Lord, there is nothing there, but two cannon, and they are empty; go and take them." At that moment Mr. L. saw two of the Suffrage men just over the brow of the hill; and he waved his hand for them to escape, which they did. Upon the strength of this assurance, Col. Rivers ascended the hill; and, waving his hat, gave THEEE CHEERS, and *took possession.* The main body then appeared, slowly advancing; and they soon came up to Mr. Lord, who had stopped at the south side of the road, and there awaited their approach. As they came near, he said, "Gentlemen, I surrender myself a prisoner of war. On perceiving him, they cried out, "Shoot the d'n'd Rebel!" "Cut him down!" "Down with the Traitor!" "Shoot him." After much cowardly abuse of an unarmed man, who had surrendered himself to their mercy, they commenced searching him. Several seized him at once, and almost tore him limb from limb, while one presented two pistols at his breast, and another a musket at his back, threatening instant death. During the scuffle a Providence gentleman came up, recognised Mr. Lord, called him by name, and afforded him protection. He should be known, for merciful Algerines are rare as comets. His name is Thomas J. Stedman. Let that name be held in remembrance, as it ever

will be by the grateful man whom he so generously served. The column then moved on until they came in front of Gen. Sprague's Hotel. Some of the party rushed into the house, and a scene of confusion ensued, in which the cries of "Shoot 'em down! Shoot 'em down!" were continually kept up by the Algerines. Some one fastened the front door, shutting in a considerable number of the Charter soldiers, along with some unarmed citizens of the place, who had been attracted by the gathering. An effort was made by those on the outside to break down the door; but, finding that impossible, Mr. John T. Pitman fired through the key-hole. Mr. Holbrook, of Boston, called out to him, "For God's sake do not fire; you may kill some of your friends." Just as the piece discharged, he cried out, in great excitement, "I don't care a G'd d'n, if can only kill somebody!" It seems really providential, that no one *was* killed, by this rash and murderous act. One man was shot in the thigh, and another very narrowly escaped. The bullet itself has been preserved. It will be sent to Boston, where it will be kept to illustrate the Rhode Island Algerine Spirit of 1842.

Gen. Sprague being a Suffrage man, was considered by these marauders as lawful prey. The troops took possession of his house and effects, appropriating to themselves whatever they chose. In the following fact is found a solution of their cowardice and their insolence. While at Mr. Sprague's house, which time was somewhat less than two days, they disposed of 37 gallons of Brandy, 29 gallons of West India Rum, 34 flasks of liquor, 1 1-2 doz. bottles of old Madeira, 1 1-4 Sherry Wine, 12 doz. Champagne, 2 doz. Cider, 940 glasses of liquor at the bar, and more than $100 worth of liquor beside, delivered by Gen. Sprague's brother. And such accounts can be found on the books of all houses where they quartered. Much has been said of the hardships and

privation which the Charter troops endured; yet it is well known that the treasury of the State was at their command, and that their whole course was but a series of carousals, and drunken riots. There is but one excuse for many of their acts; and that is found in the amount of liquor drank. It is a poor excuse, that of drunkenness; but it is all they have. While they remained at Gen. Sprague's, the valiant Chartists seldom asked for a pie, or a pitcher of water, without presenting a cocked pistol, or a leveled bayonet, and this even to females. Nor would they go into the cellar, or to any remote part of the premises, unless escorted by a strong guard of the servants of the house. They broke much glass and crockery, carried off cutlery and wooden ware, and injured the house and furniture shamefully. On their departure, bits of fat meat, lumps of butter, pieces of cigars and tobacco, with fragments of almost every eatable thing, were trodden into the carpets, where they had been lodged, when the gentry of Rhode Island amused themselves by throwing such missiles at each other. They also wiped their greasy fingers on the curtains, and got into nice beds with boots and armor, carrying with them pieces of ham and greasy meat. Such were the manifestations of Rhode Island "Law and Order." In addition to all these spoils, they consumed and wasted of Mr. Sprague's property, 820 bushels of oats, 17 tons of hay, 50 bushels of corn, 16 bushels of meal, 1-4 of a ton of rye straw, and 11,500 cigars, and much other property. There were 2,400 meals charged; yet there must have been hundreds, if not thousands more, eaten, of which no account ever was made. And for all this outrage, insult, and injury, General Sprague has never been able to recover anything. He strove to obtain some redress from the Algerine Legislature; but they considered him as lawful spoil, and refused all compensation.

The prisoners, numbering about 130, were marched to a barn, under a strong guard, and there kept. After the troops had taken their rations, the fragments were swept into barrels, and carried to the prisoners. The latter were removed on Tuesday night, to the loft of another building; and the Algerines, meanwhile, had been busy in their work of pillage. They robbed and plundered, indiscriminately, all who were, or who were reputed to be, on the Suffrage side. The history of these depredations, alone, would more than fill the book I am writing; and I must defer the details until I have a wider space before me, than I now have. It may be observed, however, that they went systematically about this business, as if it had been a part of their general orders; and it is more than suspected — it is pretty well known — that there was an understanding on this point, between officers and men, and that the value of the spoils had been held out as an incentive to join their ranks. Such would appear to be the fact, from the following testimony; or, at least, that the men claimed the right of plunder, as one of their perquisites, whether it was openly sanctioned by the officers, or not.

"I reside in Chepachet, town of Gloucester. On the afternoon of Tuesday, June 28th, 1842, while the Algerine troops were in possession of the village, two or three men came into my store. One of them stepped up to another person who was in the store, and told him that the Bristol Company had made *a fine haul*, as he expressed it, that day. They had just found a large amount of valuable property in a building, I think a barn; that one of the articles was a fine two-barreled gun, which he thought was worth forty dollars — and that the Bristol Company would make a very profitable affair of their trip to Chepachet, much more so than any of the other Companies; that 'our Newport Company,' as he expressed

it, had been too negligent, and it stood them in hand to be more active, *in order to secure their share.* This was said in a manner that appeared as if he felt vexed at the better success of the Bristol Company in obtaining plunder.

"CLOVIS H. BOWEN."

On Tuesday, at 9 o'clock, A. M., food of the same kind as before, was again brought to the prisoners, who, for the most part, rejected it. They were then brought out, and tied, eight together, with ropes which the Algerines had stolen. The captives were then paraded opposite Sprague's Hotel, and kept there standing, unsheltered, for nearly two hours, in an intensely hot sun. Many of these men had not taken up arms at all, but had merely been attracted to the village from curiosity. The Daily Chronicle of June 30, had the following paragraph in relation to the prisoners, and their capture.

"The scene was a rich one; pen is inadequate to a description of it. The prisoners seemed to be as wretched and God-forsaken a body of men, as we ever saw. They were tied together, *like a parcel of sheep;* and their appearance indicated anything but a consciousness of their forlorn condition. These men are guilty enough, Heaven knows; but how much more deeply, damnably so, must be those who incited them to outrage! That punishment will fall upon all, is certain. May it prove an useful lesson."

I *pity* the man who wrote that paragraph. There is a cold-blooded ferocity in it, a brutal insensibility, I never saw equalled. There is no need of any outward hell for such spirits. The malignant elements of their own nature, would produce a deeper INFERNO, than the most orthodox imagination ever painted. The Suffrage Party, as has been before said, were mostly yeomanry, mechanics, and laborers; and when the alarm sounded, and their liberties were in danger, they flew to the rescue, in their common la-

boring apparel. Their appearance was no-wise improved by toil, and sweat, and dust, by being bound with ropes, and driven like beasts through the public highways, suffering the meanwhile of hunger and thirst, until their unspeakable anguish was nearly passing into despair. And *were* they God-forsaken? Does God, then, cast a man out from his protection, because his garments are homely, or even soiled and torn? Those prisoners were HONEST MEN. They had not learned the game of fashionable bankruptcy, by which the Rhode Island Algerines, almost without exception, (for they are one great body of bankrupts) have supplied themselves with fine houses, fine furniture, fine carriages, and fine broad-cloth, from the fruits of UNPAID LABOR; and did God forsake them for this? Will he not rather cast out from his presence the fashionable Vampire that fattens upon the life of the poor? Those 130 God-forsaken prisoners, were afterwards tried by creatures of the Chronicle's own party; and they were, almost to a man, acquitted. So much for truth.

The barn where the prisoners were kept, had been occupied by a baker. It was stripped of everything; barn and carriage furniture, and every removable thing; and the whole village was sacked. When the prisoners were searched, everything was taken from them, penknives, pencils, money, and watches. Some objected that such was private property; but nothing was given back on that account.

On the way to Providence, the Algerine victors stopped frequently for food, and milk, which they stole, or rather took by robbery, from the farm houses as they passed along; but the poor prisoners, faint, weary, bruised by the ropes, and almost heart-broken as they were, were not always permitted to receive drink from the brooks, that were fed by the free rain of Heaven! Because, their arms being pinioned behind them, they could not help themselves, and, of

course, the lords must be first administered to; and by the time *they* had finished, they were in a hurry to go; and with their parching thirst unsatisfied, the prisoners were marched on, beneath a sun of almost torrid heat.

Soon after leaving Chepachet, they fell in with an old colored man, who was very lame, walking quietly by the road side. They threw away the poor old man's cane, tied his dog to a wagon, and giving him one of the muskets they had stolen, compelled him to march beside the prisoners, as a GUARD. The Church at Greenville had been used for barracks, during the sojourn of the troops at that village; and, on their return, they marched the prisoners into the desecrated fane, and stopped for rest and refreshment. Here the prisoners were again offered food, of which some of them partook, but others were too full to eat; but they got some water, and by this were relieved of their dreadful thirst.

After halting an hour, they were marched off again. When they arrived at Tripptown, an accident occurred, which came very near producing a fatal result. By the accidental discharge of a pistol, one of the flank guards was wounded in the thigh. He fell to the ground, and, at the same moment, several others of the Algerines, whose valor has been so highly lauded, fell, also — having fainted away, or taken it for granted that they were dead men. This produced an intense excitement. All the array of surgeons were called into action; and it took some time to find out who was the wounded man. The re-action of their fears, produced anger of the most passionate and deadly character. The discharge of the pistol was laid to the prisoners, although they were bound eight together, and had the use of neither weapons nor hands. An order was given to fire upon the d'nd Rebels; and they would have been shot down, without further inquiry, had not a woman,

who had been attracted by the procession, witnessed the accident. She called out for them to stop, and then explained how it happened, and thus saved the lives of the prisoners.

It should not be forgotten that these 130 prisoners were bound with ropes, eight together, their hands being pinioned behind them. There was a continual wrenching, one way and another, from uneasiness and pain, as well as from a constant struggle of each man to avoid the rough places in the road, and get the best path for himself to walk in. The Rhode Island slaves (so their savage captors supposed,) had been brought under the yoke, years before; and their necks had been pretty well bowed; but they had never been broken to the harness, and they were restive, when that harness galled. If any one lagged behind for an instant, he was pricked with the bayonet, or a pistol, or musket, was leveled at his head or breast. In addition to all this physical discomfort, hunger, thirst, bruised feet, and arms, intolerable fatigue, and almost broken hearts, every kind and degree of insult and abuse was continually heaped upon them, which evil spirits under the influence of *evil spirits*, could invent — insult and abuse such as no MAN ever offered to man, whatever might be his condition; for the wretch who can insult a fallen foe, is a libel on the character, and a disgrace to the name of man.

On reaching the city the prisoners were halted, first, opposite to the Hoyle tavern, when a new accession of blackguard ruffianism appeared; and a law and order mob, continually increasing, escorted the procession through the streets, with hooting, and hissing, and all foul and inhuman abuses. They were halted again opposite Col. Brown's residence, and, in various other places; and the lady-Algerines waved their handkerchiefs, and threw flowers to the

conquering heroes, in the greatest profusion, from every window, and terrace, as they passed along, thus acknowledging themselves indebted for all their *remaining* virtue, to the triumphant defenders of "Banks and Beauty" — a band of filthy, drunken licentiates! Oh, Modesty! where was then thy blush? And Truth, and Justice, where were your defenders? Led in cruel bonds by wicked men, through the city of Roger Williams, and the fair hands of woman garlanding their brutal captors. If there ever was a time to be ashamed of Rhode Island — ay, with the deepest, sincerest shame, *that was the hour*. This conduct of the Algerine women is hardly to be excused, in any way. Whatever might have been their political sentiments, the sight of the prisoners — men, their neighbors and friends, and, in many cases, near relatives, driven through the streets, bound with ropes, amid cruel insults, and bitter curses, should have subduced their animosity, and caused a reaction of feeling — and *would* have done so, if every single particle of the true nature of woman, had not been crushed by a passion so monstrous, that it is difficult to believe the female breast could have harbored it. Many of these women are said to have practised pistol shooting, in order, I suppose, to defend their honor against Thomas Dorr, the wholesale violator; and murderous wishes, and expressions, were not unfrequently on their lips. All history proves that woman naturally inclines to the side of mercy; and that without question of whether the sufferer was friend, or enemy, or right, or wrong. The conduct of the female Algerines of Rhode Island, presents a mortifying contrast to this character — a monstrous deformity in the fair proportions of woman.

And these men, to the eye of the Chronicle, had no "sense of their forlorn condition?" That is not to be wondered at; for the Rev. Dr.

Wayland had just begun to discover traces of "deep feeling," and, of course, it would not do to go beyond a Doctor of Divinity.

At the head of College street another halt was made, and orders were given to load with double ball cartridge; and an understanding was conveyed to the men, that they were to be taken round back of the Colleges, and SHOT. This capped the climax of brutal depravity. Many believed they were to be shot, and some boys, and young lads, could not forbear crying aloud in the intense agony occasioned by the idea of a cruel and unnatural death.

When the tortured nerves had been wrung to their utmost tension, the captives were marched over to the prison, so exhausted, so worn out, that *any* shelter was welcome. They were crowded in together, from 12 to 14 in a cell of 7 feet by 9, with an aperture 7 inches long and 4 wide, the only opening for the admission of air. No tongue can tell — no imagination can paint — the horrors of that prison. Think of it! 14 men occupying a space of 7 feet by 9, in that oppressively hot weather, and breathing that putrid air! Eleven of the 14 could just lie down, wedged in together, "heads and points," as they expressed it; and then the remaining 3 had just, and only room enough to *stand* in. It is very hard to be crowded at all, when one is tired; and think of those harrassed, faint, and jaded men, lying in that manner, on the bare pavement! It is horrible! But the worst of all was, the perfectly fœtid air!

Much fault has been found with Dr. Brownell, the Surgeon General, and much hard feeling towards him still exists. He made great exertions to have the prisoners removed to the yard, and the cells thinned out; but in this step he was violently opposed by the Mayor, Thomas M. Burgess, as well as

by the Governor and Council. He, however, repudiated the authority of the Mayor, and went to the military commander, who sanctioned his plan of removing the prisoners to the yard, and making them more comfortable. As there has been much misrepresentation in regard to the conduct of this gentleman, I feel it a duty to place the circumstance in its true light; and I do not hesitate to say, that though Dr. Brownell may sometimes have failed in his duty — for in the service of such a bad cause who could do wholly right? — still there is the fullest evidence, that had it not been for his humanity and perseverance, on this occasion, in thinning out those noisome cells, previous to the hot night which followed, the morning would have found dead as many of the sufferers, in proportion, as were found in the Black Hole at Calcutta! How well, and *truly*, this speaks for the humanity of Rhode Island Magistrates, under Martial Law! Is not Algiers disgraced and scandalised by lending them her name?

A guard of loafers from South Water street surrounded the prison; and whenever the prisoners appeared, or their friends visited them, they were subject to the insults and abuse of the whole gang.

Much has been said of the fare of the prisoners, for, and against. I will endeavor to state the truth. They had two meals a day, one at ten o'clock, the other at three. Their fare consisted almost wholly of bread and ham. These were, for several weeks, the fragments of the Algerine carousals. The weather was very hot, and the ham was often offensive, sometimes maggoty; and the bread was sometimes sour, and frequently mouldy. And even this was served in the most offensive manner; a piece of bread, and one of ham, being passed in at the aperture of the door *with the hand*, and *received by the hand*. The regular prison fare was somewhat better. The prisoners must have suffered *not only from*

bad food, but *for the want of food*, if their friends had not supplied them; and some who had no friends to think of them, would beg for the stinking ham and mouldy bread — the rations of their more fortunate companions. But seldom were such forgotten; the more fortunate were ready to share with the less; and all who visited the prison on these errands of mercy, were the friends of the friendless.

The organization of the Court of Commissioners, who tried the prisoners, was the most singular mockery of justice I ever heard of. Neither the officers, or any of the witnesses were sworn; and no man felt himself particularly obliged to speak the truth — an obligation which would, indeed, have been quite novel among the subjects of modern Algiers. The prisoners were arrested by a military, and tried by a civil process — or arrested by a civil process, under Martial Law. Any prominent individual among the Algerines, could control the fate of any prisoner he pleased; and when the prisoner refused to recant, at the instigation of his rich neighbor, or employer, the influence of the latter would react against him. During examination, the prisoners were not only harrassed and insulted, by the Algerine loafers who always attended on such occasions, but, contrary to all usage, they were obliged to be their own accusers. And, not only so, but any person among the spectators might volunteer his evidence, and that evidence, if *against* the prisoner, (and no other could be found in that den of devils,) would be taken; and a decision affecting the liberty, the comfort, the health, perhaps the life of a worthy individual, might depend upon the false assertions of any malicious scoundrel who might happen to have a grudge against him! Hundreds of prisoners were committed, *without any alleged* reason, or any legal process; and after being subjected to all these insults, mortifications, and sufferings, for months, *liberated in the*

same manner. It was dangerous to speak an honest opinion against the party in power; and many were committed for doing so; and even upon the bare suspicion of friendliness to the Suffrage cause.

In Bristol Jail, the prisoners suffered exceedingly for the want of water, as they did also at Providence; the water at both places being conveyed in leaden pipes, and so warm, as to be almost a vomit. One of the Bristol prisoners told me his sufferings on this account were so severe, that he offered to give 20 dollars for a pail of water; and though he was able to pay, and perfectly honest in his offer, they refused either to sell or give, one absolutely suffering for it, and his wretched companions A DRINK OF COLD WATER.

In Newport, the prisoners in the lower cells suffered dreadfully from cold. These lower cells were damp and dark — so dark as to require a lamp at mid-day, in order to read a common book — and so damp, that all substances like cloth were continually saturated with moisture; but they had no fire, or worse than none, until some time late in December. The autumn had been very cold; and that was the coldest December that had been known for many years. A benevolent lady visited Gov. King, and informed him of the disgraceful fact. He immediately ordered Henry Y. Cranston to visit the prison, and report on the subject. He did so, after making a delay of several days, in order, I suppose, to wring out a little more suffering; and then *he never descended to the lower cells*. He asked the prisoners above, how they were, in regard to warmth. They answered they were quite comfortable, as respected warmth; and Mr. Cranston made his report, which was published in the Journal. But by a fortunate accident, the members of one of the State Courts, then in session at Newport, visited the prision, and ascertained the truth. They immediately sent for a

thermometer, and found, by actual experiment, that the air was *colder within the cells*, than on the outside of the prison. This was owing to the strong current, which was created by the stoves in the corridor adjoining. They would have perished — they *must* have perished, had it not been for the kindness of the citizens, who sent them hot drinks, and a plenty of warm food; and also lamps to burn day and night, that the cheering light, and slight warmth, might, in some degree, alleviate the sufferings of those miserable men. Their food was better than at Providence, and it was, perhaps, sufficient to sustain life; but *they never had enough to satisfy the cravings of hunger of ordinary appetites.*

Is it not strange that such gross outrages upon the rights of humanity, should have been committed in the face and eyes of the whole world, and so little have been said about it? A whole political party, either openly advocated, or resolutely shut their eyes upon the facts; and where were the Abolitionists, the professed philanthropists of the North, that *they* did not enter their protest against these proceedings?

If a band of *colored* men had been marched through the streets of Providence, *under the same circumstances* all New England would have been in a blaze. I have yet to learn, that black men are better than white men, or that their rights are any more sacred!

CHAPTER XVI.

OUTLINES OF HISTORY.

During the June Session of the General Assembly, a report reached that body, that a very large force was gathered at Acote Hill, for the purpose of sustaining the People's Constitution. According to their established mode of operation, that of relinquishing their usurped power only upon compulsion, the Convention was immediately convened for the purpose of framing a Constitution, and the work was pushed through in such a manner, as to occasion several mistakes. The Constitution was finally adopted, by the Convention assembled at Newport, in September, 1842 — a law having been passed, sanctioning its adoption by a MINORITY; and this after the Legislature had repeatedly *denied their right to move in the matter*; that they could do nothing without the authority of their constituents. It is a curious fact, that, after all their ridicule and contempt of the People's Constitution, the learned and sapient Landholders should have made it the model of theirs! and, in fact, have taken it almost entire, only modifying some of its most important provisions, so as to keep the power still *in the right place.* Here is another presumptive evidence that the Chartists believed that the people *had* a majority of votes for their Constitution, or why were they at so much pains to assimilate their own to it? They *would not have been*, had they not considered that Constitution *popular.* They certainly had sufficient invention; and they embodied a large amouht of learning and talent. Why did they not produce an original document? The reason why is very evident. The People's Constitution had been adopted by a large majority; and, of course, whatever came *nearest to*

that, would be most likely to succeed. Accordingly, with some very delicate incisions, and some masterly corrections, which were insinuated into the work so softly, as to alarm none but the practised eye, the People's Constitution was again given to the world.

I cannot enumerate all the objectionable points, but will name a few of the chief dangers embodied in the present Constitution.

1. The majority, 57,196, are entitled to but 6 Senators, and 39 Representatives, while the minority, 51,642, are entitled to 25 Senators, and 39 Representatives.

2. Foreigners and colored men, if they be freeholders, are allowed a vote after a residence in the State of one year, while a free native citizen of the United States, if he be not a freeholder, must have resided in the State two years, before he can vote.

3. It excludes Firemen and *Revolutionary Soldiers.*

4. The People's Constitution, Art. 1, Sec. 2, provides not only for the possession, but the transmission of property; a right which is said to be guarded so well, in no other American Constitution. On this the freeholders are silent, notwithstanding they have had so much loud talking, and so much fine writing, about the Rights of Property, and their destined violation by the Suffrage Party.

5. Section 4, of the same Article of the People's Constitution, contains this provision; "That no favor or disfavor ought to be shown in legislation, towards any man, or party, or society, or religious denomination. The laws should be made not for the good of the *few*, but of THE MANY; and the burdens of the State ought to be fairly distributed among the citizens." The Freeholders are again silent. The idea of legislating for the good of the many, would have been the height of absurdity, to a Convention, who, from sheer habit,

as well as principle, could do no otherwise than act for the minority, leaving the rights of the majority to take care of themselves. In all the proceedings of all her councils, legislatures, and courts, Rhode Island has always acted with regard to the rights of the FEW — and that not unfrequently, to the utter exclusion of the rights of the many.

6. Section 12, of the People's Constitution, gives the accused, in criminal prosecutions, power to obtain witnesses at the public expense, that the poverty of the accused may be no barrier to the free accession of justice. This has not been secured in the corresponding section of the Landholders'.

7. The Landholders' Constitution does not secure the right of trial by jury, to "Any person in this State who may be claimed, or held to service under the laws of any other State."

8. It does not recognise the right of instructing Senators and Representatives by the people, as does the People's, Section 17. This Section corresponds with Section 16 of the Protest of 1790. The rejection of this important right by the Freeholders, seems to show that the Representatives are *not to do the will of the People*, but THEIR OWN WILL; or, in other words, to act according to the dictates of their especial grace, certain knowledge, and mere motion, according to Charter usage. Thus have the Rhode Island Republicans of 1842, refused to recognise a very important principle, and cut off a long-cherished branch of old English Liberty. Is this an evidence of *progress?*

9. It does not provide that compensation shall be actually made, if required, before a man's property shall be taken for public uses.

10. It does not prohibit the passing of retrospective *civil*, as well as criminal laws.

11. It does not protect witnesses from being called

in question for their religious opinions, before the Legislature, or the Courts.

12. In Article 2, Section 2, of the Landholders' Constitution, a blank is left for the future insertion of the word "*White.*" Their first Constitution contained *the word*, without any special provision for its speedy rejection, as did the People's; nor is it to be presumed that they ever *intended* to reject it. But when they found themselves in a fearful minority, and knew that their injured fellow citizens were proceeding to demand their rights at the point of the bayonet, they then saw that some concessions *must be made;* and, in many respects, their second Constitution is far more liberal than their first; but whatever it is, is not due to *them*, but to their FEARS. In this dilemma they took advantage of the situation of the colored population. Without one particle of friendliness towards the colored race, but from sheer necessity, they extended to them a valuable privilege, reserving by legal enactment, the right to withdraw it at any time they pleased, merely to promote their own selfish and wicked purposes. They made the colored men voters, not because it was *their right*, but because *they needed their help*, and when they no longer need it, a law is all ready, to provide for the disenfranchisement of the tools, for which they have no further use. If I could reach the ear of every colored man who has voted under this Constitution, I would tell him that he is a DUPE — that he knows not his enemies; that by the very terms of his admission to the right of Suffrage, he is *chattelized;* and that he is the victim of treachery of the blackest dye.

The Chartists have preached pro-slavery in Washington, and anti-slavery in Rhode Island; and at the very time when Senator Simmons was inflaming the prejudices of the Southern Democrats, by representing the Free Suffrage as an Abolition movement, his

friends at home were parading the streets with their own coachmen, and sitting at table with people of *any* color — and the darker the better. So completely have they worn two faces, and spoken with two tongues, in order to secure the favor of both parties, that, even here, in Rhode Island, many of the hard old farmers in the neighboring towns, *will not believe that colored men vote in Providence.* There is a degree of meanness in this conduct, which I really cannot comprehend; and how any body of men, possessing the smallest idea of honor, to say nothing of honesty, could submit to practice it, is truly wonderful!

13. The Landholders' Constitution unnecessarily retains a freehold qualification; probably for the same cause that Mr. Randolph wished to retain the privilege of the oldest son — not because he saw any reason in favor of it, but because it had existed so long.

14. It does not provide for the security of the inestimable right of voting BY BALLOT, as does the People's, but refers the matter to the Legislature.

15. The crowning objection of all, is, that it secures all its former authority to the General Assembly, by special enactment, and thus nullifies many otherwise wholesome provisions. The good which it holds out is illusive, as recent events have fully shown. The present Constitution of Rhode Island was announced by Gov. King to be adopted, January 3d, 1843.

July 4th, 1842, the festival in honor of the late Algerine victory, was superadded to the usual celebration. The orator — one of the most distinguished lawyers in the State — exhausted all his eloquence to prove that the Algerine army, in their late brilliant victory over an empty Fort — in their drunken carousals, their burglary and kidnapping, were a band of heroes, of a high and peculiar order,

to be found only in Rhode Island; inasmuch as they were "*covered all over with glory*" — a condition in which I never heard any *other* heroes described to be. The orator spoke of the pleasure he felt in addressing the "Old Rhode Island Line," on an occasion like this, when they had just proved themselves the true descendants of those who first made that line glorious. The anniversary was a double one; and showed that the same great principles which had been asserted and vindicated in the war of the Revolution, had been again asserted and vindicated, on this soil, within the last week. In the war of the Revolution, our men marched against oppression from *above* — from the King and Parliament. In the late insurrection, their descendants arrayed themselves against oppression from *below* — from the *outcasts and ruffians* of society, both here and abroad. In describing the Suffrage men, he said; "They are *cannibals*, and WORSE THAN CANNIBALS — and *had they taken one of you, they would have roasted your body alive, and devoured it.*" It is certainly to be regretted that a man of so high intellect, should have descended to echo the malicious falsehoods, and retail the low slang of the Journal, even in the service of a party.

July 5th, it was announced that no more arrests should be made, under the existing martial law, except upon application to the Governor, or his Council. Soon after the conquest of Chepachet, the Algerines celebrated the victory, and marched in procession through the streets. The procession was led by a cart, bearing an effigy of Gov. Dorr, a pair of old boots, and some epaulettes, which were falsely said to have been his; and various other trophies. This carriage bore the banner which had been taken from one of the Woonsocket companies, the motto of which was a singularly unfortunate one for the Agerines to parade through the streets, as a speci-

men of their enemy's principles. It was this; "We concede to others *their* rights; WE DEMAND OUR OWN." They carried also in the procession a load of empty champagne bottles, which they said they had found in Dorr's camp, but which had been emptied in their own carousals, while they were *making a manifestation through the country.*"* It should not be forgotten, that when the fire engines were left almost without a man to direct them, THE COLORED MEN came forward, and volunteered to take charge of them; and this act, the condition and treatment of the men being considered, was one of the noblest that were developed during the whole controversy.

On the morning of the 30th of June, between the hours of 12 and 3 o'clock, with a small squad, Col. Wm. P. Blodget, went to the inn of Jeremiah Crooks, in Bellingham, Mass., broke into the house, and demanded to see his prisoners. Mr. Crooks asked him by what authority he came; and he said "by the authority of the bayonet." They then searched the house, and forcibly carried off and dragged to prison, several men who were supposed to have been engaged in the affairs of Rhode Island. For this flagrant violation of the laws of Massachusetts, and the rights of her citizens, Blodget has been tried and found guilty of burglary and kidnapping. He has, however, petitioned for another trial before the Supreme Court of the United States.

August 21st, a special Thanksgiving was proclaimed; upon which occasion were called forth the two famous sermons of Drs. Wayland and Tucker, of Providence. I cannot here go into the individual merits of those sermons, as I could wish, and as I hope at some future time to do. They both contain the grossest misrepresentations of the Suffrage Party,

* The commanding officer wrote from Woonsocket, "We think it best to make a manifestation through the country, and may not be back in some days."

of their principles, and their conduct; and are redolent with pure, unmixed Tory doctrines — such doctrines as tend to keep alive, and increase, the existing inequalities of society, and, consequently, secure to the priesthood their peculiar privileges; not such doctrines are those as Jesus preached — doctrines of universal love and brotherhood, wherein is the essence of the purest and the "largest liberty," but rather such as might more properly come before the Court of a Pagan Despot, than before the audience of a free and christian people. This point was, of course, managed more adroitly by Dr. Wayland; but not the less false and wicked were his misrepresentations, and his sentiments; while Dr. Tucker, with peculiar artlessness, declares, that had the Insurgents succeeded, "We should have become 'hewers of wood, and drawers of water.'"* He further represents that the specific objects of the Suffrage Party, were the destruction of the Priesthood, and the Banks, and the leveling of Property; three points which were calculated to alarm the selfishness, and inflame the grossest passions of his hearers; and much pains was taken to identify the Suffrage and Abolition movements. These two sermons were in the same spirit with the "Affairs of Rhode Island," by Dr. Wayland, delivered May 22d of the same year; and "Loyalty and Piety," by the Rev. Francis Vinton, Pastor of Trinity Church, Newport, July 21. I regret that I am not able here to consider more at length the productions of these "Knavish and wicked Doctors, who understood neither what they said, nor whereof they affirmed, and who turned aside to vain jangling." The compass of an ordinary book will not permit me to go at length, either into the merit of these sermons, or into the history of individual persons, and places, many of

* Did the Reverend Doctor ever question with himself of his peculiar *fitness* for such labor?

which contain some of the most important and interesting particulars; but, in justice to myself, and my subject, I hope to be permitted to give them more fully on some future occasion.*

At the time when the Charter troops left Newport for the defence of Providence, a conspiracy was formed, which has never been exceeded in wickedness, even by the Jacobins of France. It is thus described by a correspondent from that place.

"A number of men, heretofore called respectable, formed themselves into a band, and bound themselves, under an obligation, that if any of their friends should be injured in the campaign against the 'Rebels' at Providence, they would shoot down, or assassinate, their leading men in this town, in the streets, at their homes, in their beds, or wherever they could find them." This conspiracy was made known to one of the leaders of the Suffrage Party, to put him on his guard against these horrid machinations. The person who made this communication, was a strong friend to the Martial Law and Order Party, and was applied to, to join in this wicked conspiracy; but he, having some private friends and relatives among the leaders of the Suffrage Party,

* There are now in my possession a large collection of very valuable documents, which have been furnished by Suffrage friends, and which I have been wholly unable to dispose of in this volume, as they are amply sufficient to make a volume of themselves. Being unwilling to manifest any partiality towards these friends, who have my grateful acknowledgments for their kind exertions in my behalf, and being unwilling to injure their papers by mutilation, I have resolved to retain the whole, that, in their collected form, they may make a volume of themselves; which they will amply do, in connection with the incidental reflections, and kindred events, that the Author may think proper to combine with them. I trust no one will be dissatisfied with this arrangement; since *it was impossible to do justice to the whole.* I have, however, sought to embody all the important facts in this, and I hope to give them another interesting and valuable book, containing, in full, the Annals of the Rhode Island War; and when the Public calls for it, it shall be *ready.*

refused to join. He might have been influenced by some other selfish views; otherwise, from his character, we do not think he would either have divulged the secret, or refused to join the conspiracy; which consisted, as far as we could learn, of ten or twelve men. Many of their names are known, and they are also known to have prepared themselves with their weapons of destruction. The Rev. Francis Vinton entered warmly into all the military preparations of the Algerines. Several of the members of his own church were among the conspiritors; and yet they were, then, and are, now, in full fellowship with the church. This same Reverend gentleman, when the Newport soldiers found their courage 'oozing out at their finger ends,' encouraged and stimulated them, advising the officers not only to take the men with their muskets, but to take their field-pieces, with plenty of ammunition; he also assisted the soldiers in making their ball-cartridges, cheering them on to the combat, to shoot down their fellow citizens. People were utterly astonished to see such a knowledge of military tactics displayed by this clerical empiric, and many wondered where he obtained it; but it was soon explained, by the information that he had been educated as a Cadet at West Point, at the expense of the Government, and had been an officer in the army until about the time of the breaking out of the Florida war, when he was suddenly taken conscientiously scrupulous, about shooting down the poor Indians, so doffed his military uniform for the clerical robes; and yet, under this sacred garb, he could urge men forward to destroy their fellow citizens, while he himself remained behind, enveloped in his robes, in perfect safety. This reminds me of the old fable of the monkey using the cat's paw to pull the chesnuts out of the fire."

The conduct of the clergy in relation to the Suf-

frage movement, is deserving of the highest reprehension. At first, when the question was considered popular, and carried all before it, the clergy, who are always awake to catch every breath of popularity, openly and publicly sanctioned it, by their presence, and their prayers. I have now before me the Record of proceedings of the Convention, that met to form the People's Constitution, and I find that no less than eight clergymen, seven of whom belonged to Providence, offered prayers for their success, all of whom afterwards turned against the people; and several of whom, including Messrs. Dowling and Hall, and Dr. Tucker, became their most bitter and uncompromising enemies. It was frequently boasted by the Algerines, that the clergy were all on their side; and this exultation must have been highly flattering to those reverend gentlemen, in connection with the memory of their former course. Notwithstanding the active part they took in encouraging the Algerines to war, and kindling their turbulent passions, and despotic spirits into a flame, the Journal describes them as "Messengers of peace," and lauds their conduct, as being "in the highest degree creditable, and serviceable to the cause of good government and regulated liberty." And, further, it is asserted in the same print, that the clergy took a firm stand against the disorganisers; upon which was based the following pithy resolution: "Whereas, the Clergy of the Revolution took a firm stand in favor of popular rights, the leaders of the Suffrage Party feel that an impression must go abroad, that there is something vitally wrong in *their* movement, since the clergy, in a body, as the servants of God, and instructors of souls, consider themselves called upon to exhibit themselves against it." *Such* praise from *such* a source, must have been very grateful; and yet there is more truth in it, than at first would appear. Such is the thraldom in which people are

held by their spiritual guides, that there is not, perhaps, one in ten who would be capable of judging, or dare to judge, contrary to the opinion of his minister; and, of course, the fact that the clergy were generally opposed to the Suffrage movement, would be presumptive evidence of the wrongfulness of that movement. How much, then, have the clergy to answer for, in the part which they have taken!

Where the Clergy led the van, the Church, of course, would not be far behind; and the excommunication of members for a difference in political sentiment, became of frequent occurrence; and such members were always dealt with in the most hasty and arbitrary manner. I will give only two cases of this kind, although there are details enough of ecclesiastical discipline, in such cases, to fill a volume.

In Providence, Col. Franklin Cooley, a worthy member of the Pine street Baptist Church, of which the Rev. John Dowling is pastor, was expelled from that church in a manner wholly unprecedented in the annals of Sectarian Christianity. Col. Cooley was in town within four days of the time when the vote of exclusion was passed, and a steady attendant on all the ordinances of the church; but at the time when it *was* passed, he was in New York; and the first notice he received in the matter, was the intelligence, by a letter from a friend, that he had been tried, and condemed, 15 days before. The charges preferred were, that Col. Cooley had accepted of an office under the People's Constitution; (that of Representative) and that he had also acted as a member of a committee to procure arms. The first charge was true; the second was wholly false. But even if both the charges had been true, the proceeding was wholly unjustifiable, and contrary to all usage in the Baptist Church. So far from being an advocate of war, Col. Cooley is, conscientiously, opposed to the use of violent means, even for the at-

tainment of right ends; and he has not owned, or had in his possession, any instrument of death — too many of which could be found in the houses of members of this same excommunicating church. It was not from a love for the pure doctrines of the gospel, that the church thus cast out a brother; for quite a number of its members, not excepting some of its deacons, went forth with the implements of death in their hands, to shoot down their brethren. But I will write no more, lest I spoil the excellent paper which Col. Cooley himself has prepared on the subject, and which, I hope, at some future time, to present in the whole.

The other instance I shall mention, is that of the excommunication of Deacon Sanford Bell, and Geo. C. Shaw, who were jointly expelled from the Second Baptist Church in Newport, "for their unchristian conduct in relation to the late troubles in this State." This "*unchristian* conduct," it may be proper to state, consisted chiefly of *feeding the prisoners* in Newport jail. So far were Shaw and Bell from being willing to assist in any forcible measures, that though they knew they were marked as victims by the conspirators before mentioned, they did not even take any measures to defend themselves from THREATENED ASSASSINATION, or their families from assault, trusting in God, alone, for protection and defence. A more high-handed and arbitrary measure than these two, never disgraced the christian church in any age.

I copy from the letter of a correspondent at that village, the following:

ACCOUNT OF THE AFFAIR AT PAWTUCKET.

"On the evening of June 27, at half-past 6 o'clock, the Kentish Guards (so called) arrived here from Providence, for what purpose it is impossible to say, since no people in the world could behave in a more

quiet and peaceable manner, than the citizens of Pawtucket had done, up to the time of the arrival of the Kentish Guards. Indeed, all of the citizens who favored the cause of the people, had been, for some days, gone up to Acote Hill, taking with them all the guns, ammunition, and implements of war, which could be obtained anywhere in the vicinity. In truth, it may be said, that, at the time of the arrival of the Algerines, not a weapon of any description whatever, could be found, except in the possession of the Algerines of the place. But no sooner did the Charter soldiers arrive, than the displeasure of the citizens announced itself at once, on the Rhode Island side, by the hissing of the boys, and other unequivocal signs of anger; and on a quarrel commencing between some unarmed citizens and the Pawtucket Algerines, the soldiers undertook to quell it by the use of the bayonet. This only increased the disturbance; and one of the "*Law and Orders*" had his bayonet wrenched from his gun, and came near having it put into his own body. The Kentish Guards were now called upon to the aid of their companions, who were threatened by the unarmed men, some of them belonging on Massachusetts side. On this accession of force, the unarmed men retired into Massachusetts.

"After this took place, the Kentish Guards were stationed with fixed bayonets across the streets, at two places. For some time they did not interrupt people who travelled the street, but at length a different system was adopted, and a citizen of Pawtucket, Mass., who wished to carry a friend into Rhode Island, was fired upon by the Kentish Guards. He had not been stopped, nor was any attempt made to stop him, and nothing was said to him, or done, until after he had passed the guard, when he was fired upon, but fortunately he escaped unharmed. Up to this time, about half-past eight, there had been no

bloodshed, although people on both sides of the river had become highly excited. About 9 o'clock in the evening, the Kentish Guards took up their position on the line between Massachusetts and Rhode Island, having previously insulted and abused men, and even *women*, who were quietly passing the bridge into Massachusetts. A crowd very naturally collected on the Massachusetts side of the line, to look at these illustrious warriors; and, while so engaged, they were fired upon, and Alexander McKelby, who was in the act of shaking hands with a friend, was shot through the body, and killed. He was a peaceable, quiet, industrious man, and left a wife and seven children. David Cutting was wounded in the arm, and Robert Roy shot through the knee. All of these unfortunate men were on the Massachusetts side of the line; and being there, were wantonly and unprovokedly fired upon by the self-called "*Law and Order ruffians* of Rhode Island; and to this day their blood is unavenged. A more rascally and unprovoked murder and assault upon unarmed citizens, was never heard of! What right, or pretence of right, had these drunken ruffians to fire into Massachusetts? And be it not forgotten, that they crossed over the line; and, standing on Massachusetts soil, killed and wounded citizens of that state; ay, and to the eternal shame of Massachusetts, no atonement has ever been made, or offered.

"The firing dispersed the crowd, but the excitement among the people of Massachusetts was intense; and, could arms have been procured, dearly would the black-hearted ruffians have paid for their atrocious deeds."

August 29th, the pageant of the SWORD PRESENTATION took place. A committee of ladies presented Lieut. Col. Nightingale, of the Marine Artillery, Col. Martin, of the National Cadets, and Col. Brown, of the First Light Infantry, each with a splendid sword,

as a compliment to the gallant defenders of their wealth, and their honor. An immense crowd was gathered on the State House Parade, to witness the imposing ceremony; and just at the moment of the presentation, a large bird was seen, hovering majestically in the air above. Many believed it to be an eagle; and the idea of our national emblem — so unwonted a guest in this region — appearing at that time, and on that occasion, created no small degree of excitement, and a bright omen was drawn from the circumstance. But the Charter Braves, and their fair allies, were so overpowered with self-satisfaction, that their vision was affected thereby, and they could in nowise see clearly, beyond the shadow of their own dignity; hence a very simple and natural mistake. The bird was *not* the bird of Jove, but simply a GULL; and the Algerines are welcome to the *omen.*

September 10th, the anniversary of Perry's victory, a similar scene was got up, and a banner was presented, with the following inscription: "Presented by the Ladies of Providence, to the Kentish Guards, for their patriotic service on the 18th of May, 1842 — guard the gift as you did the givers." This, too, was in token of their marvellous escape and preservation, from pollution and violence; and in the motto, "Guard the gift as you did the givers," a wicked and malicious falsehood is embalmed for history. It cannot be that those ladies were quite so weak and silly, as to believe they really *had been* in *such* danger from the Suffrage men, if their brothers, husbands, and lovers, *did* tell them so; nor is it easy to believe that they would sacrifice all womanly delicacy, by taking *such* means merely to produce an effect; but it does not redound much to their credit, either way. They have acted very foolishly, or very falsely, or both.

A grand militia muster was held on the same day with the Banner Presentation. It went off, not

without much drunkenness, noise, and rioting. How unlike was this to all the Suffrage celebrations, which were always characterised by sobriety and good order; and, for *this* reason, that when even common men are sincerely in earnest, in a good cause, they rise above their former level, and become assimilated to the high motive which has been made their spring of action. A female in passing home, in the evening, was assaulted, and slightly injured. She was mistaken for another lady, whose kindness to the victims of oppression, had excited the indignation of the Algerines.

At the Commencement dinner of Brown University, the following stanza was sung, with unbounded applause.

> "We once knew Greek — now, trochees sweet,
> Of each old attic line,
> Are changed for Dorric feet, more fleet
> Since Auld Lang Syne."

Even the *classic beauty* of this production could hardly justify the members of a high literary institution — and one, too, that professes to be founded on *christian* principles — in making the occasion of their social anniversary an opportunity of sneering at any individual, but especially at one, whose *honesty of intention* it was impossible to doubt — by any candid observer of his actions — and whose misfortunes, at least, should have shielded him from the assault of christians. If Mr. Dorr were *not* wilfully guilty, then was that sneer both wickedly malicious, and contemptibly mean; but if he *were*, ridicule, and public abuse, are not among the proper means which christian divines, and their adherents, should have taken to admonish him; and, in doing so, they descended even below the *assumed* level of him they traduced.

September 6th, a request was renewed to the Mayor, for the Suffrage Association to be permitted

again to hold meetings in the Town House. This request was promptly refused, without consulting the Board of Aldermen, or the City Council; and the Association afterwards continued to hold their meetings in the Washington Hall.

August 8th, Martial Law was suspended until September 1st; and on the 11th of the same month, Mr. Hoskins, a citizen of New Hampshire, was arrested. This flagrant violation of individual and State rights, was not exceeded by any during the whole controversy. Mr. Hoskins had been to Chepachet, to procure a carpet bag containing the private papers of Gov. Dorr, and was just going to depart, but finally thought he would call on Mr. Simons, the Editor of the Herald. Accordingly, he left the carpet bag at the Depot, and proceeded to the Herald office. He was apprehended either on his way, or directly after he got there, and taken to Hazard's office. The Justice had begun to get a warrant ready, but, fearing to be too late, despatched the Deputy Sheriff without one, and Mr. Hoskins was arrested, examined, and committed, before the warrant was made out against him. Directly upon his arrival at Hazard's office, Mr. Hoskins sent for a friend, Mr. Bradley, but he was not permitted to leave the room; and even the friends who came to his assistance, were made, for the time, close prisoners. Mr. Hoskins also sent for Gen. Carpenter, who took occasion to speak of the law, and asked Mr. Hazard, if the prisoner had not been arrested *without a warrant.* He acknowledged that he had. Gen. C. then urged that he should be set at liberty. Mr. Hazard replied, very pettishly, "*I don't care a d'd for the letter of the law!* It is time the law was resolved into its original elements!" A fine specimen, this, of a *Law and Order Magistrate!*

Mr. Hazard then sent for Gov. King, and Ex-Gov. Arnold. They refused to have anything to do with

it; but thought he had a right, as Justice of the Peace, to arrest him. When the carpet bag and trunk, which had been sent for, arrived from the Depot, Mr. Hazard asked Mr. Hoskins, if he had any objection to their being opened. He, of course, objected. After a good deal of parley, Hazard concluded to have Mr. Hoskins' own private trunk opened by force; saying, "I will take the responsibility." Accordingly, he put his hand in the pocket of Mr. Hoskins, who was advised not to resist, and wresting from him the key, proceeded to remove the articles from the trunk. He found some letters, and called in several persons to help read them. He was very fierce, arrogant, and saucy in the extreme. They continued the examination until nearly sundown, but found nothing that could be construed into treason; when Mr. Hoskins was committed *without a warrant* — although Martial Law was suspended — and kept in prison several days. The Algerines who came in were very abusive; many of them saying he *ought to be hung!* And this is the way we treat peaceable citizens from other States. I cannot forbear exclaiming with Judge Pitman, though from quite a different point of view; "Who will not, in future, be ashamed to hail from Rhode Island?"

The question of whether it was best for the Suffrage Party to register their names under the Algerine Constitution, began to be agitated about this time; and after much consultation on the subject, and application to distinguised individuals for advice, it was judged best to do so. In taking this step, they distinctly declared, that they did not repudiate either their Constitution, or their Principles, but they had adopted this course, as an indirect way to establish their Constitution, and sustain their principles. They knew that a majority of the people of the State were in their favor, and through the ballot-box

they hoped yet to be triumphant. So manfully did they come up to this work, that the Algerines began to be alarmed for the result, plainly perceiving that they must adopt another course: and after having invited and urged *all* to register, they began to proscribe and persecute the people, for responding to their call. They afterwards digested a regular system of bribery and proscription; and in cool, deliberate wickedness, this exceeded all they had done before. We can find some excuse, even for the brutal outrages of the drunken soldiery. Their cowardice required stimulants — and these more than half deprived them of their reason, so that they are hardly to be regarded as accountable beings. But when a body of grave legislators — the professedly wise men of the State — combine with themselves the men of wealth and high condition, and sit down in deliberate council, inquiring of each other for the safest and most expeditious way to rob the people — not merely of their money — not merely of their life — but to rob them of their liberty — to despoil them of their integrity — or, in failing to do this, to starve them, and their innocent families, until they yield, or die — a scene of cool and deliberate wickedness is presented, which could not be exceeded by *any* beings, in any place. A special committee was appointed for each ward in the city of Providence, to go round, and find out all the cases in which bribery and proscription could be brought to bear. One of the modes of operation was to make paupers of people, by apparently friendly offers of aid, and thus destroy their votes. This was reduced to a regular business; and many were misled, and lost their citizenship, without suspecting the trick, until too late. Some sniveling, driveling zealot, was considered the best emissary. He would go to a poor family, and inquire into their means of living, and necessities, with an appearance of perfect friendliness. Relief

or assistance would, in most cases, be almost forced upon the unsuspecting family; but when the husband presented himself at the polls, if not before, the truth would appear; and *the man* would feel himself sunk in THE PAUPER. One of these emissaries of Satan went to an old revolutionary soldier in the south part of the city, and with much persuasion induced him to accept of a load of wood. The poor old soldier, on finding that he had sold his manhood for a load of fuel, was so deeply grieved, that he sickened and died, in consequence. Whole families were turned out of doors in mid-winter, and the farmers took many of them into their houses and barns. There were few Algerines, who held in their hands the power of bribery or proscription, failed to make use of it, to the prejudice of poor neighbors, and dependent laborers. It would be a curious and interesting inquiry, to ascertain how few of the Algerines did not violate the last clause of Section 4, Article 2, of their own Constitution, which says that no person convicted of bribery, shall exercise the privilege of voting. If all who had been GUILTY of bribery in the electioneering of 1842–3, had been *convicted*, the people would have triumphed, almost unanimously. And yet, after all this, the Journal had the audacity to say, "The election went for us, because the majority of the people were with us." Their triumph was dearly purchased — and can it *be* triumph, which is obtained only at the expense of everything valuable and honorable to man? It is the triumph of the robber, when he returns from the highway laden with gold. It is the triumph of the murderer, his hands dripping with warm gore! It is a triumph that holds disgrace on high, only to make it more signal and complete.

The manufacturers in this game played into each other's hands. Those in the town of A., finding their operatives unwilling to sell themselves, turned them

away. Those in the town of B. made the same trial, with the same result. But the operatives could not live without employment; and those who had been employed in the town of A, went to the town of B, and those who had been employed in the town of B, went to the town of A. The consequence of this combined movement was, that the operatives, by losing their residence, lost their votes, while the manufacturers lost nothing, being subjected only to the momentary inconvenience attending the change. A more deliberate and malicious system of iniquity was never invented; and how any honest man could act under a government so organised, is a difficulty I am unable to solve. The public treasuries had been exhausted, banks had been robbed, and all available resources had been called out to promote these hellish schemes; yet up to the very day of the election, which took place in April, the Suffrage Party were not without hope of final success; but on that day a desperate rally was made by the Algerines, who came out with unblushing boldness, as slave-drivers, and buyers of men; and several hundreds who had been, up to that very time, considered as true men, were, in that shameful hour to Rhode Island, lost both to themselves, and the cause of liberty. The results were most disastrous. The hopes of the Suffrage Party were crushed, as it was believed, never to rise again.

December 7th, 1842, Franklin Cooley was tried for Treason; Samuel Y. Atwell and Robert Rantoul, were counsel for the prisoner, and Samuel Ames and A. C. Greene, Attorney General, appearing for the prosecution. The offence was having accepted of an office under the People's Constitution. The trial commenced on Wednesday, and on Friday afternoon the grand move was made by Mr. Atwell, to bring in evidence that the People's Constitution was legally adopted; and, therefore, that the prisoner

could not be guilty of Treason. To prove this, Mr. Atwell offered to bring the testimony of the Moderators of different Town Meetings, who were all present, having been summoned at great expense and trouble; and, if this would not suffice, he proposed to call the whole 13,000 who had voted for the Constitution. His argument was a masterly one, and the strongest authorities were cited, to prove that sovereignty, with all its prerogatives, exists in the people. Messrs. Atwell and Rantoul were both listened to with breathless attention, although frequent attempts to confuse them were made, both by Judges and lawyers. I had seen much in my native state that was disgusting, and heart-sickening, but never before had I blushed so deeply at the prostitution of power in the Halls of Justice, before the highest judicial tribunal of the State, as on that day. It was evident that the Judges were exerting all their influence on *one side*, and that against the prisoner; and that they were striving, by every possible manœuvre, to confuse, perplex, and put out of countenance, the counsel for the Defendant; and that they took a malicious pleasure in marring the beauty of two of the most eloquent and masterly arguments I ever heard from human lips. The jury could not agree upon a verdict. They stood seven for conviction, and five for acquittal, and the case remains undecided.

A brother of Col. Cooley, who had come on from New York during the war, but with no intention of taking any part in the matter, having been arrested, and confined for a long time, in the pestilent air of the prison, until he became insane, died suddenly during the trial, and was buried at the recess of the court. He was followed to the grave by an immense crowd of friends and citizens, all of whom felt that he was as truly a murdered man, as if the cold steel had put an end to his existence.

Just before the election, several of the Algerine

Dignitaries sallied forth to lecture in the country, through the southern part of the State, and, wherever they came, they gave utterance to the most wicked and abominable falsehoods. They had handbills printed, and put them in circulation, where it was asserted, in glaring characters, that Dorr was already on Seekonk plain, with an immense force of armed ruffians, and many other things equally false: and they were *believed*, because people could not comprehend how they should be so lost to all sense of shame, as to utter those abominable lies, in that audacious manner, when contradiction was so near at hand. But they were, in fact, utterly insensible to every obligation of truth and honor; and while they claimed to be Law and Order gentlemen, they could most truly be convicted as common liars.

How falsehood can be less dishonorable in diplomatists than in other men, I cannot see; yet the most efficient weapons of our political warfare, are barbed with falsehood — and that, often of the most malignant character. We can never become a truly great Nation, until the time arrives when, by our oath of office, we shall *not* be bound to sustain a party, by all supposed necessary violation of truth and right — when politicians may speak the truth, and act the truth — nay, when, to preserve their character pure, they *must* do so — when an official liar will be just as mean as a domestic, or social liar — when what is false will be just as bad in one place, as another. But there is a great deal of selfishness, and a great deal of wickedness, to be purged out of us, before that day arrives; and the sooner we set about it, every man of us, the better will it be for us, and for our country; nay, the salvation of our country depends on this; for what can a people be, who have lost all honorable regard for truth; and what can a nation be, whose chief springs of action are moved by Falsehood? Let us, then, strive to

hasten the day, when party rancor may be melted down, and refined away, until only the pure gold is left — when selfishness shall be subdued by true patriotism — when the representatives of all parties shall leave these miserable wranglings for place and spoil, to *the lower animals*, and come up together, like MEN, to the broad platform of RIGHT, and there labor together, with but one object — OUR COUNTRY'S GOOD? Is this, also, visionary? Then let us begin *to make it truth;* for it is quite time!

APPENDIX.

THE SUFFRAGE WOMEN.

Let the Suffrage Women of Rhode Island, be remembered with everlasting honor. It is impossible here to do them justice. Suffice it, that they have cheered, sustained, encouraged, and assisted, those who were struggling for right, with a zeal and steadfastness which would have adorned the revolutionary age. Both by individual exertion, and voluntary contributions, as well as through the .medium of associations, they have administered to the wants of numerous families, of such of the poor as had been proscribed, or imprisoned, for their principles. To do this, they denied themselves everything but the most absolute necessaries of life. Hundreds of laboring men, in losing their employment, by proscription, lost all their means of living; and such were sought out, and by timely relief, encouraged to persevere in their integrity. These women went about continually, like embodied spirits of love, and their deeds of mercy shone like the presence of angels in the abodes of sickness, and want, and illumed the baleful prison cells, with a light like that of Heaven. Embalmed by thousands of grateful hearts, their names shall be held in perpetual remembrance; and their living deeds shall continue to blossom as in their first freshness, and bring forth fruits of love to bless the weary and the heart-worn forever; for Truth and Love are eternal; and a good act never dies. How unlike are such deeds, to the flower-wreathing of bacchanals — the banner and sword-presenting of the Algerine ladies! *Their* hands, it is true, may be fairer, but their hearts are not quickened by that spirit of pure, self-devoted charity, which gives to woman her highest charm; and, compared with the TRUE women of Rhode Island, they are as meteors in the presence of the eternal stars; winning the eye for a while, by their gorgeous beauty, but transitory, and soon passing away, to be no more seen. But blessed forever are the Suffrage Women of Rhode Island! And blessed are the deeds they have wrought!

THE MEMORIAL.

On the 1st of February, 1844, the Democratic Members of the Rhode Island Legislature, memorialised the House of Representatives of the Congress of the United States, giving, in a clear and manly style, the principal facts connected with the late history of the Suffrage People of Rhode Island. The whole motion was kept a profound secret, until it broke upon the House like a thunder-bolt. Our Algerine members, however, recovered from

the first shock, and rallied in defence of their old privileges. But their omnipotence, by virtue of being members of the Rhode Island Board of Algerines, was put to the test, and found — wanting; and it was quite ludicrous to see how astonished they were about it. In Rhode Island they had only to speak, and the thing was done; but in Washington it was quite otherwise. It seemed that the floor of Congress, and the platform of the home Legislature, were quite different places; and that their almighty will fell far short of its accustomed results. Among these gentlemen, Henry Y. Cranston, of Newport, particularly distinguished himself, by a furious imbecility which sometimes ran to the verge of madness. He very modestly told the house, that the 25 members of the Rhode Island Legislature, were *all liars* — that there was not a word of truth in the Memorial. Had that assertion been made at home, all the leaders of his party would have responded to, and confirmed it; and all their assinine followers would have echoed it. The judges would have given charges, the lawyers lectures, and the ministers would have preached sermons, to confirm its truth. Then it would have been put into the Journal, and copied by all the satellites — that those 25 members are all liars; and, moreover, that all the Judges, Lawyers, and Ministers, SAY SO — and nobody could have contradicted it, with any prospect of being able to sustain the truth. That is the way we do things in Rhode Island. Party interests are sustained in open and utter violation of truth and right. Some of our prominent men are now so bold, that they cast aside all disguise, and seek not to cover their wicked designs by the slightest veil. But what would do so well in Rhode Island, would not do at all in Washington. In spite of personal, as well as wholesale abuse, freely bestowed — in spite of the expressed will of the late omnipotent members from Rhode Island, a majority of the House, had a contrary will. An investigation took place. Many noble and eloquent speeches were called forth; and a resolution passed the House, to send for persons and papers. A committee was also appointed to report on the Memorial. The Algerines cried out bitterly against the subject of the Memorial being made a National Question. They forgot that they, themselves, made it so, when they solicited the aid of John Tyler. While all this was going on in Washington, a SPECIAL SESSION of the Legislature was convened at Providence. This was, undoubtedly, for the purpose of expelling the 25 members, signers of the Memorial — indeed, some of them confessed that such was their object. But finding a strong head tide, and a strong current of public opinion setting in against them, they durst not do that. The Journal advised them to treat the matter with *silent contempt*; but blustering was more in character, and bluster they did. They protested, and *censured* the Democratic members, declaring them guilty of PERJURY, for HAVING PRESENTED A MEMORIAL TO

CONGRESS. Let that be remembered. They were a set of craven cowards, and gave the lie to their own assertions; for if those members *were* perjured — if they *had* violated their oath of office, why did they not expel them? Why did they sit there with PERJURED MEN? How could they descend to a false accusation, and then creep off with a base and cowardly CENSURE? But happily that censure reflects no disgrace. The Protest declared that Congress had no right to decide or inquire, whether the Charter Government was republican in its form, nor whether the People's Constitution was legally adopted, nor to agitate the questions connected with the government of the State. It is surprising what a degree of effrontery some small creatures have! To the utter astonishment of the Algerines, the Congress of the United States did not obey. They went straight forward with their work; but the Report of the Memorial has not at this time, reached me.

EXPENSES OF THE ALGERINE GOVERNMENT.

Much has been said concerning the alleged intention of the Suffrage Party to destroy property; or, at least, appropriate that of others to themselves. But with how ill a grace do such accusations come, from a party who have been guilty of the most wanton waste of property, to say nothing of downright theft and robbery. They made extravagant outlays for the purchase of arms and ammunition. They gave authority to the military to enter houses, hold citizens in custody, and rob them of their property, "without law, and against law." They flooded the State with Pamphlets, President's Letters, and lying Hand-Bills, at an enormous expense. They squandered the School Fund. Extra sessions of the Legislature and Courts have been called. $2,509 76, was bestowed on William Blodget, for his celebrated feat of burglary and kidnapping, at the house of Capt. Crooks in Bellingham — an act which was entirely unauthorised by the commanding officers, either at Woonsocket, or Tockwotton, which was disclaimed by the Governor and Council at Providence, and reported to Gov. Davis by Gen. Dearborn, as an act *wholly unauthorised* by the authorities of Rhode Island.

At the late session of the General Assembly, Col. Blodget, and his associate in crime, Deacon Hendrick, made another demand on the Treasury, of about $2000, or five dollars per diem since the October session; which was intended to cover loss of time, and all incidental expenses. These gentlemen have become acknowledged stipendiaries of the Government; and yet their claim was disputed by their own party, and reduced to two dollars per diem. Thus have the public resources been, and continue to be, exhausted, in paying premiums to court favorites, for acts of lawless violence; and the laboring people, who have been the great-

est sufferers by this violence, must bear the chief of the burden it has occasioned. The Algerine Party are beginning to learn wisdom; for the consociated interests of society, will not long permit one portion of its body to be sustained at the expense of the other, without material injury to the whole.

The sum of $1,800 was appropriated to sustain the Light Infantry, and uncounted thousands went to pay other military companies and officers. The City Treasury showed itself a defaulter in the sum of six or seven thousand dollars, which has never been accounted for. The Providence County Bank was reported to have been robbed of some eight or ten thousand dollars; and, lastly, the Agricultural Bank, which was under the supervision of Gov. King, was found *minus* about $12,000. The fraud, or dishonesty, pretty generally attaches to Gov. King; but it is more than probable — it is almost certain — that others besides his "Excellency," were involved in the guilt; and, as very little is said about it, and no efficient steps are taken to elucidate the subject, it seems most likely that the lost money was appropriated to the *payment of bribes*, as other large sums were known to be. But, however this may be, after the affair exploded, the Journal for the first time ceased the cry of "Banks and Beauty;" for a sore cord in their own bosoms began to respond to that false utterance, which brought the truth home to them somewhat too painfully.

TRIAL OF GOV. DORR.

After his banishment from his native state, Mr. Dorr had found refuge with HENRY HUBBARD, Governor of New Hampshire, whose name will always be fondly cherished, by every true Rhode Islander. On the election of Marcus Morton to the Chief Magistracy of Massachusetts, in 1843, Gov. Dorr came into that State, where he was cordially welcomed by thousands. The village of Pawtucket, being situated on each side of the line dividing the two states, and only four miles from Providence, was a convenient place wherein to meet his friends; and he repaired thither, to be blessed again by the sight of old familiar faces, and meet, and return, the pressure of hard, but honest hands. Most of his old adherents again flocked around him; some of whom had, indeed, turned aside for a moment; but their hearts were still true, and their motives unchanged.

On the 10th of August, Mr. Dorr put forth an Address "To the People of Rhode Island," which contains a synopsis of the whole history of the Suffrage Movement. It is also a complete vindication of his own course, and motives. Whoever, upon reading, cannot be convinced of this, can be convinced of nothing. In this Address, he announced his intention to return to Rhode Island at an early day. His object in doing this, was to

secure the trial of the great constitutional question, which would be involved in his own. He had borne calumny and persecution of the deadliest character — of the blackest die; yet for the sake of Rhode Island — ungrateful Rhode Island — that had maliciously traduced him, and cast him forth as an alien, he now surrendered his liberty, and became the inhabitant of a noisome prison. And forever hallowed are the prison-bounds, that enclosed the self-sacrificing patriot — perhaps *martyr*, to the cause of Liberty! When those gray old walls are dim with years, and, in the lapse of uncounted ages, are crumbling into fragments, those fragments shall be gathered as relics — embodying an eternity of grateful memory, to the patriot who sanctified them, by making them witnesses of his devotion to the cause of TRUTH and RIGHT.

On Thursday, October 31st, Gov. Dorr arrived in Providence, and entered his name on the Books of the City Hotel; after which he went to the house of Col. Simons, where he had an engagement to dine, leaving his address, with orders that all who wished to see him, might find him there. He was very soon waited upon by an officer, arrested, and conducted to prison. The most intense excitement prevailed throughout the city and State, and a deep feeling of indignation was aroused, that extended over New England.

Contrary to the old English law, which says that the accused shall be tried in the county where the offence is said to be committed, Mr. Dorr was taken to Newport, on Thursday, Feb. 29th, ostensibly for the purpose of receiving a fair trial; but really, that the bitter hostility of the people in those parts might ensure his condemnation. He was arraigned the same day, and pleaded that the Court at Newport had no jurisdiction over his case. To this plea the Attorney General demurred, saying he was not prepared for such a question; and the Court allowed him until Thursday, March 7th, for preparation — that being almost the end of the term.

On Tuesday, March 5th, at the first sitting of the Court in the new term, Mr. Dorr was again brought into Court. He said that as the distant day assigned by the Court for the hearing of the plea, would not permit both that and the main issue by a jury, to be tried at the present term; and being desirous not only of avoiding delay, but even the appearance of delay, he should withdraw what he believed to be a substantial defence, the plea to the jurisdiction of the Court; pleaded *not guilty*, and claimed an immediate trial, as his right. The Court, after consulting together, announced that the 26th day of the ensuing April, was the earliest day which could be assigned for a trial; and, accordingly, assigned it.

It was then moved by the Defendant's Counsel, that the Court should, in their discretion, transfer the indictment for trial, to

Providence county, where the Defendant and his witnesses resided, in order to secure him "a speedy trial by an impartial jury;" neither of which could be obtained in Newport. The motion was supported by Messrs. Turner and Atwell, and opposed by Bosworth and the Attorney General, and overruled by the Court, who ordered 60 additional jurors to be summoned by the Sheriff, for the 26th of April; and the Defendant was remanded to Newport jail.

It is impossible, in this place, to give a full report of the trial, which would make a volume of itself. I can only, therefore, give its most important features.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,

vs.

THOMAS W. DORR,

FOR TREASON.

At Newport, R. I., April 26, 1844.

For the State, Joseph M. Blake, Esq., Attorney General, assisted by Alfred Bosworth, Esq., of Warren.

The Defendant conducted his own case, in the absence of his principal Counsel, Hon. Samuel Y. Atwell, from severe illness, assisted by George Turner, Esq., of Newport, and Walter S. Burges, Esq., of Providence.

Newport, Friday morning, April 26th, the whole Court, consisting of Job Durfee, Chief Justice, and Levi Haile, William R. Staples, and George A. Brayton, associates, being present, the Defendant, Thomas W. Dorr, was brought in, and persisted in his former plea, of *Not Guilty.*

The first striking feature in the case, was the proposal to put to the jurors two unusual questions. 1. "*Did you vote for the said Thomas Wilson Dorr, for Governor*, at the election on the 18th of April, 1842."

2. "*Have you formed the opinion*, or *do you believe that said Thomas W. Dorr was the Governor of the State*, or *authorised to exercise the duties of Governor*, any time between the 16th day of May, 1842, and the 28th of June, 1842?"

Of course this highly unjust measure, which was calculated to produce a jury of one political party, was strongly opposed by the Defendant and his Counsel. The Court were equally divided on the question; Chief Justice Durfee, and, it is believed, Judge Haile, were in favor of putting the questions, and Judges Staples, and Brayton, in the negative; so it was decided that they should not be put, although the Chief Justice said he was clearly of opinion that *they ought to be asked.*

The Court then proceeded to the empannelment of the jury, which was a difficult and laborious process, that continued until 10 o'clock of Tuesday morning, 30th. 124 Jurors had been sum-

moned, of whom 4 were absent, and 1 excused; and from the number left, 119, the jurors were to be drawn: 76 had been first summoned; and afterwards 4 *venires* of 12 each. The Defendant being entitled to 20 peremptory challenges, after having exhausted them, was obliged to submit to his fate, that of being tried by a PACKED JURY, upon which NOT A SINGLE DEMOCRAT WAS ADMITTED. Three only had been summoned; and of these, two were set aside, on the ground of their having formed and expressed opinions; and to impeach the qualification of the third, witnesses were sought about the town; and one was obtained, whose evidence should have been far from satisfactory; but *it was taken*, and the last Democrat was stricken from the list. Upon the 3d *venire*, Mr. Dorr challenged the entire array, upon the ground of the improper interference of William H. Cranston, who acted with, and at the instigation of the Attorney General, who had accompanied the deputy Sheriff out of town in making the summonses, and in whose hand-writing the return of jurors was made. Testimony was brought to prove that the said William H. Cranston had declared *he was looking for witnesses to get Tallman* (the democrat) *off of the jury;* and he was known to be bitterly hostile to the Defendant. Notwithstanding the positive unfairness of this, the Court decided that the challenge could not be sustained, and the Defendant excepted to the ruling of the Court.

In opening the case for the State, Mr. Bosworth, after having discussed the preliminaries, told the jury that *the Court would instruct them in the law*, and they must apply it to the facts. He read the definitions of treason, and the statutes against it, and then went on to give a history of the proceedings of the Defendant, describing his character and motives in a strain of denunciation, and bitter invective, more like the exaggerated declamation of a political caucus, than the calm and solemn dignity which ought to prevail, when the fate of a human being becomes the subject of deliberation in a court of justice. Never, indeed, was there exhibited a more signal *mockery* of justice, than in this trial; and so long as a single drop of true Rhode Island blood, warms the veins of any of her children, they will blush and hide their heads in the deepest shame, when the story is told, how the Friend of Equal Rights — the Friend of Virtue — of Liberty — of Humanity — was convicted of crime, at such expense of truth; and with such utter desecration of every principle of justice.

The testimony was very voluminous, and it was quite remarkable in the whole process, to see how every point having the slightest bearing in favor of the Defendant, was ruled out of Court; while every circumstance tending to implicate him, was taken advantage of, though perfectly irrelevant to the point at issue. The testimony was sufficient to prove the overt act of Treason, (so called.)

There were several conflicting points between the testimony for the prosecution, and that for the defence, which, as they involve particulars of some importance, I will briefly state. Col. Wm. P. Blodget, and E. H. Hazard, testified upon oath, to the effect, that Mr. Dorr, when he made his speech on Federal Hill, drew his sword, and said that it had once been dyed in blood, and rather than yield the rights of the People of the State, *it should again be buried with blood to the hilt.* This statement was CONTRADICTED UPON OATH by Col. Benj. M. Darling, who was in the carriage with Mr. Dorr, at the time, and by Col. Samuel H. Wales, and Nathan Porter, who stood very near. Col. Blodget also stated upon oath, that when he went up on Federal Hill, on the 18th of May, Burrington Anthony came out, and said *the men were all drunk*, and under the control of nobody; which statement was contradicted by Mr. Anthony *upon oath.* Again: It was deposed by Col. Blodget, that the cannon of the Providence Artillery were *stolen*; whereas, it appeared from the testimony of Josiah Read, who commanded the detachment that went to take the guns, that he took them with the *permission* of Col. Bennett, upon passing his word of honor that they should be returned, when they had done with them; and, moreover, that the guns *did not belong to the State*, but were the property of the Artillery Company, having been presented to that company by Gen. Washington, to replace three iron guns that had been borrowed of the company, and lost in the Sound; and, further, that those same cannon were taken at the surrender of Burgoyne. Col. Blodget also deposed, that he never had said, since coming to Newport, that he came for the purpose of convicting Mr. Dorr; but James Thurbur, jr., swore that he had spoken to him to that effect, specifying time and place. This contradiction of oath, by oath, certainly involves the crime of PERJURY.

The testimony for the State being summed up, Mr. Turner opened for the Defence. He said a denial of facts was not the course to be pursued. He would not admit that the crime of Treason could be committed against a single State, and he claimed that Mr. Dorr was the legal Governor of Rhode Island, acting under a valid Constitution. His points of defence were five, namely:

1. That in this country Treason is an offence against the United States only, and cannot be committed against an individual State.

2. That the 4th section of the Act of Rhode Island, of March, 1842, entitled "An Act relating to offences against the sovereign power of the State," is unconstitutional and void, as destructive of the common-law right of trial by jury; which was a fundamental part of the English constitution at the Declaration of Independence, and has ever since been a fundamental law in Rhode Island.

3. That that act, if constitutional, gives this Court no jurisdiction to try this indictment, in the county of Newport; all the overt acts, being therein charged as committed in the county of Providence.

4. That the Defendant acted justifiably, as Governor of the State, under a valid Constitution, rightfully adopted, which he was sworn to support.

5. That the evidence does not support the charge of treasonable and criminal intent in the Defendant.

When Mr. Dorr came to examine his witnesses, he called out every fact. He concealed nothing. He had nothing to conceal. The openness, the dignity, the complete manliness of his conduct in managing the case, struck every unprejudiced mind with reverence; and even the Court expressed themselves perfectly astonished at his course. They could not comprehend it; but they insensibly gathered respect for the Defendant, who had shown himself so entirely above the petty subterfuge which is often practised.

An attempt was made to bring in evidence that the People's Constitution was legally adopted. This was objected to, which Mr. Dorr considered unfair; although the proceedings under the People's Constitution were allowed to be null and void, still, when told he was a usurper, when wicked, malicious, and aggravated charges were brought against him, he ought to be permitted to show his *intentions*, by the votes on the Constitution; to show that he did not act from his own mere motion, but from authority, which he supposed to be valid. He did attempt to perform the duties of Governor. There were votes given, and counted; he was treated as the Governor of the State. The Court said that he should *disprove* the fact, instead of sustaining it; denied all the authority of the people; the prisoner had not mistaken the law in regard to his natural rights; a prisoner might as well set up, to an indictment for robbery, the defence that he had a natural right to the possession of the property which he took from the person he robbed. So the evidence of *good intentions* was not admitted in the defence: though *that of* EVIL INTENTION *was freely taken by the prosecution.*

After a long and animated debate on some of the principal points involved in the case, Mr. Dorr addressed the jury. He did not expect to address them at this stage of the proceedings; and, therefore, had made no preparations. He regretted very much the absence of Mr. Atwell, whose valuable services were much needed.

It is impossible to give even an epitome of his address. The spirit of his eloquence was TRUTH. While he rebutted the charge of Treason, he denied nothing, which was done in Providence, or on Federal Hill, or at Chepachet; claiming, as his defence, that he acted under authority; that he had a right to do

all that he did; the only wrong was IN NOT DOING MORE. He alluded to the black array of charges against himself and his companions — the cry of "Banks and Beauty," the "foreign Desperadoes;" the "Sacking of the city of Providence;" the "sword dyed in blood;" the "swinging of the torch;" the "State scrip," which he had issued, and the "trespass on private rights;" charges which had all been seriously believed. But the charges of theft actually committed by the Suffrage Party, had all been reduced to three. Some boards were taken, and used, on the hill at Chepachet, and afterwards burnt. A horse was borrowed, and afterwards returned. A cow was killed, and afterwards paid for. He narrated the political affairs of Rhode Island, from the early days of the Colony, up to the recent events connected with the attempt of the People to establish a Republican Government. He placed the difficulties against which he contended, in a strong light, and justified his motives. He plainly exhibited the causes of failure. In conclusion he said:

"I am now before you to answer for my conduct. I am right. I am more to blame for what I did not do, than for what I did. I stand before you with the consciousness of having done my duty, according to the best of my abilities. I commit my case to your hands, with the hope that your verdict will be just, and with the firmest confidence in the final verdict of my country."

The Attorney General proceeded to close the case in an exceedingly able and eloquent manner, which overpaid the attention of the court for nearly three hours.

The case was given to the jury about eleven o'clock, after a decided charge against the Defendant by Chief Justice Durfee. He claimed that treason could be committed against a State, and that the jury must apply the law as they receive it from the Court, to the facts as they find them.

The jury came in on Tuesday morning at five minutes before two o'clock, having been out nearly three hours, with a verdict of GUILTY — and after receiving the thanks of the Court for the impartial and faithful discharge of their duties, were discharged, and the Court adjourned to meet at the Sheriff's office at 8 o'clock.

Tuesday Morning, 8 o'clock.

Mr. Turner presented a motion to stay the sentence, in order that Defendant might have time to file a plea for a new trial on the following grounds.

1st. Improper and illegal practice in the empannelment of the jury.

2d. Hostility of one or more of the jury against defendant.

3d. That improper evidence was admitted, and proper evidence rejected.

4th. Non qualification of one of the jurors.

5th. That the Court misdirected the jury as to the law.

The Court decided that the case remain open until the second Monday in June next, for a hearing on this motion.

The character of Mr. Dorr, however much he may have been traduced, needs no eulogy. Its high and pure traits are self-evident to all who are capable of appreciating true nobleness, or of understanding true goodness; and they who are not, will not receive the power from any number of words. Therefore, I shall be brief.

If I were to name his predominating characteristics, I should say, Dignity, Firmness, Conscientiousness, Benevolence, and a WANT OF SECRETIVENESS.

The latter trait, his open straight-forward integrity, is strongly marked. He is wholly wanting in that shrewd finesse, which is essential in a military leader, and is *supposed* to be essential in a Statesman. All his movements have been open and above-board. He told everybody, with perfect frankness, just what he intended to do.

Of his dignity I need make no assertion. Where is another man, who could have passed through all that he has done, without once cowering — without once sinking below himself — without once losing that loftiness of carriage, which is but the outward type of a lofty soul — growing even loftier amid the blasts of persecution, as the oak grows taller and stronger, when shaken by the arm of the tempest!

His firmness has been exemplified in all his acts, and is admitted by every one. It was expressed in the declaration so well maintained, and with such deep sacrifices; "I CANNOT, AND WILL NOT COMPROMISE THE LIBERTIES OF THE PEOPLE!"

Conscientiousness is manifest in that high regard for truth by which he is so strongly characterised; and which even his bitterest enemies concede to him. And, conjointly with this, his Benevolence is seen in his labors for the cause of Humanity. When he first entered the General Assembly of Rhode Island, there was no young man who might have claimed to look higher than Thomas Wilson Dorr. Possessing the combined advantages of education, wealth, high parentage, and intellect of the first order, the range of his ambition appeared unbounded. He could have been all that he would. And what did he do? Seeking not the pleasant gale of court favor, which would have borne him pleasantly on in the auspicious career of youthful ambition, he turned abruptly from the winning breeze, to breast alone the strong current of opposition — to labor manfully against wind and tide. He put forth his young strength in behalf of the poor. He pleaded for those who could not plead for themselves. He triumphed in the cause of Humanity; putting down the defenders of tyranny and despotism, with an unexpected strength — with a Herculean power, which astonished, while it enraged them. And here is the secret of the deep and deadly hatred that has followed

him, in all his public course, and been brought to a crisis in the late events. He was A SECEDER FROM THE RANKS OF ARISTOCRACY; and, henceforward, he was a DOOMED MAN. But notwithstanding all this, no man in Rhode Island ever had so deep a hold on the affections of the people; and no man ever so well deserved them.

Among his public acts may be reckoned his exertions in behalf of Schools, by which he rendered his native State essential service. He also brought about some important reforms in the banking system. He introduced, and carried through the Legislature, a Bill, appointing a Board of Commissioners, to examine into, and investigate the affairs of Banks; to ascertain the exact amount of specie in each bank vault; the law requiring that the returns should be prepared on the same day, and at the same hour of the day, so that there should be no loaning of specie, in order to make a false exhibition of its amount. Had this act remained in force, the great frauds in Rhode Island could never have taken place. The act was repealed, and it may be, for that very purpose.

In conclusion, I would ask, if all the persecution of the Algerines has reflected one particle of dishonor upon its subject? Does that prison, vile and loathsome as it is, connect any disgrace with its illustrious inhabitant? No. A glorious light irradiates its hoary walls, such as seldom ever shone upon the walls of palaces — the light of tried, suffering, and TRIUMPHANT virtue. In this incorruptible light shall live the name of THOMAS WILSON DORR; while those of his persecutors shall only be rescued from oblivion, by the indelible disgrace to which they are doomed.

APPENDIX TO THE SECOND EDITION.

A SKETCH OF THE LIFE AND CHARACTER OF THOMAS WILSON DORR.

THERE is something in the presence of a true man, which always inspires me with reverence, even though it be shrined in the form of the humblest and the meakest; but when to this is superadded the radiance of a great intellect, I cannot but feel that here is the perfected Ideal of the CREATOR, when he said, "Let us make man in our image, after our likeness."

Such is the feeling with which the character of Thomas W. Dorr, inspires me. Such is the deep reverence with which I attempt to delineate, though but in outline, its beautiful and majestic proportions. That all do not perceive them, is not because they do not exist; but for want of corresponding attributes in their own characters. They are blind, only because selfishness and *un*-truth obstruct their vision. Let them cast the beam out of their own eye, and they shall see clearly, what God, and angels, and all just men behold, rejoicing that truth is made manifest in the world, unsubdued and unsubduable, by the powers of Darkness and of Falsehood.

The subject of this sketch, was born at Providence, Rhode Island, November 5th, 1805. He very early began to show the spirit of philanthrophy, which became, in after life, his predominant characteristic — his ruling passion; and for which he has suffered so deeply, sacrificing hopes alluring as were ever pictured in the brightest dreams of a young and gifted spirit, or beamed upon the visions of ambitious and devoted parents.

He early began to think of the poor; and to ameliorate their condition, was the private subject of all the little plans and labors of his childhood. His temper was sweet and amiable in the extreme. He never had any difficulty with any member of his father's family, or any of the boys of his acquaintance. They all loved Thomas; and towards all he knew, his own little heart was continually overflowing, with its excess of pure and innocent love. And not less remarkable than his good temper, was his ENTIRE TRUTHFULNESS. Those who best knew him can testify, that he was never guilty of deceit, in any form or any degree. Whatever he said was always known to be truth, and received as such, without comment and without question. Along with these

traits, was early developed another very remarkable one, the FIRMNESS for which he has been so much distinguished, and which has sustained him in the most trying situations.

It was told me by a lady who attended school with him, when a very little fellow, his new school-mistress tried three days before she could get him to make a bow; after the end of that time, being fairly worried out, he yielded. He might have been studying out the question why bows were made. He might have had conscientious scruples, or it might have been sheer obstinacy; but the infant who could thus persevere must have character — strong character.

Thus were combined in him three traits, which have been seldom found united in the same individual — a sweet temper, truthfulness, and firmness. Very amiable persons are seldom remarkable for firmness; and they mostly want the nerve to be perfectly and determinately honest. These characteristics were not so combined but for some great purpose. They could not have been so combined, without producing great results. Thus we see in the child the perfect miniature of the man; and thus was he prepared for the work which he was to do.

And over all this is still thrown a charming veil of modesty, which, while it enhances the beauty of the character, adds to the grandeur of its effect. Self-relying, calm, serene; content with the approbation of his own heart, which, though misunderstood by others, knows itself; he is neither elated by prosperity, nor depressed by adversity. Possessing mind and heart with great, yet perfectly balanced powers, it would seem as if the soul of some old Roman had united itself with affections, warm and loving as ever stirred the breast of man.

An interesting anecdote, which is strikingly illustrative of his character, is told of him, when a school-boy. The teacher, in order to excite emulation among his pupils — which, let me observe in passing, is an entirely false principle to act upon — offered a premium, a medal, I think, to the one who should, within a given time, prove himself the best scholar. There were two successful competitors for the prize, Thomas W. Dorr, and another boy. The teacher was truly perplexed. Their claims appeared perfectly equal. He could not decide between them. But Thomas, with a generosity, a nobility of soul, which they only can appreciate who have struggled hard for a mental prize, and, when won, have felt how dear, how absolutely beyond all price it is — stepped forward to his relief. "Give it to the other boy," said he. "His father is a poor man. He has to work hard and study too. I have nothing to do but study."

The boy who could thus win, and thus resign, such honor, could not prove to be other than a great man. He surrendered the prize; but he won honor, which no medal, no diploma ever gave, and which shall live and brighten forever, when the beaten

gold shall have been resolved into its elementary dust. To crown the greatness of the act, he never spoke of the sacrifice, even at home. The simple love of justice filled and satisfied his unselfish heart, subduing even the fiery impulses of his young ambition. A nobler act is not recorded.

His studies preparatory to the college course, were pursued at Exeter Academy, New Hampshire; and at the age of 14 he entered Harvard University, where he graduated with honor — still retaining the purity of heart, the sincerity of soul, which are too often engrossed and swallowed up, in the selfish ambition of youth and manhood.

No advantages were spared, which wealth could purchase, or doating love secure, in order that his education might be equal to his talents and prospects in life. Having chosen the profession of the law, he continued his studies under the direction of Vice Chancellor McCoun, in the city of New York; where, also, he attended the lectures of the celebrated Chancellor Kent, during two winters. He then read law one year at the office of John Whipple, Esq., at Providence; after which he spent two years in travelling through his native country.

From the position in which he stood, with the combined advantages of wealth, high station, powerful friends, an energetic character, and talents of the highest order, no boundaries to his ambition could be discovered — whatever he would he might have been. The highest offices, the highest honors, in the country seemed crowning the gay perspective of the future; and he had nothing to do but to go forth, and win, and wear them.

But he soon discovered himself to be in a false position; and as he went more abroad in the world, he found that the love of Truth and Justice, which were innate to his own bosom, met with no response, or, at the best, a very false one. In society he beheld the advantages which should have been equally diffused, concentrated upon a very small class. The many labored for the few; while the former were becoming, every day, more unjust and exacting in their demands — more exclusive and narrow in their little sphere of usurped privileges; and the latter more yielding, passive, and servile; until a state of things not unlike that of lord and vassal, master and slave, was becoming every day more fixed and apparent; the condition of the poor and of the rich appearing equally adverse to human progress, and to the Divine idea which should be expressed in human society. Men were not brothers, ready to help one another, but enemies, each seeking to sustain his own selfish and counteracting interests. To the great mass of the people, every avenue to progress and improvement was hedged up. The necessity of constant and unmitigated labor for bread, was as a strong chain confining them to the sterile places of Ignorance and Poverty; while at the same time the wealthy few seemed nowise disposed, themselves, to

enter the great highway, which they had closed against their fellow men. The acquisition of greater wealth, or the vapid and futile pursuits of fashion and display, for the most part, satisfied them; while the strong and unrelenting necessities of life crushed the poor, whose unrequited labors paid the price of useless and enervating luxury.

The state of the government corresponded with that of the society. The many were despoiled of their rights, that the few might be invested with the exercise of despotic power. The many were reduced to the condition of serfs and bondmen, while they were daily insulted by the assertion that they were free; and to this condition there appeared no prospect of relief, or change. The suffering party were not insensible of wrong. They had petitioned their rulers, crying for redress, until a whole age had passed away, and still no relief, no hope of relief, came. Very naturally, then, were the sympathies of a young and ardent nature, of a true heart, arrested. Mr. Dorr perceived the wrong, and no sooner did he perceive it than he set to work, with his whole soul elaborating itself in plans and remedies. He became identified with the suffrage cause; for that was the cause of the poor and the oppressed. He still continued to adhere to it, when almost every one of its friends, overcome by a cruel and relentless persecution — by the unlawful exertion of a foreign force — had been compelled to forsake his post. He had taken his stand, and he stood there until he stood alone. He stood there, even when those he labored to serve turned against him, and denounced him — when his friends, on every hand, were joining his enemies, yelling loudest of the pack, and pouring out upon his single head the concentration of their bitter and fearful curses. Misunderstood, calumniated, a hunted exile, with a price set upon his head, no man can say he ever, for one moment, swerved from his integrity. He was equally strong against the threats of his enemies, and the persuasion of his friends. His character, like some old statue of matchless excellence, will appear best when most closely studied, and wants harmony only when there is some defect in the eye of the beholder. Yet this character has been vilified by the foulest slanders, and its fair proportions have been distorted into the lineaments of a monster. Let us pity those who have been guilty of this. They are infected with a moral malady which deprives them of the power of perceiving true excellence. Gross selfishness — a willful and wicked adherence to party, and party interests — have long been petrifying in their hearts, and forming thick scales upon their eyes. They cannot feel. They cannot see. They can no more appreciate, or understand, the character they traduce, than a mole could discourse on the properties of light, or a bat could analyze a sunbeam. Let them go to the True Physician, who has given one simple remedy for all such diseases — "Whatsoever ye would that men

should do unto you, do ye even so unto them" — if they would be made whole.

In the year 1834, Mr. Dorr was elected as a member of the Legislature of his native State, where he remained four years; and then more fully began to be developed his prominent characteristics. Instead of availing himself of the wind and tide of popularity, which were strongly set in his favor, to the astonishment of all, the chagrin of many, and the utter dismay of his compeers, he turned himself manfully, to breast the opposition, which gathered itself back with renewed violence, as if it might overwhelm the power of Truth and Right, by the force of its imbecile fury. Wherever the Rich were trampling on the Poor; wherever the Strong were doing violence to the Weak, there stood he, a ready Champion, and unyielding Defender. He planted himself firmly beside the prostrate neck of Humanity, hurling back the powers of Tyranny, with a force that told them the barbed heel would no more be permitted to enter there. He spoke for those who could not speak for themselves. He acted for those who were denied action.

While a member of the Legislature, his attention was directed very much to the subject of political reform, the right of Suffrage, Equalization of Representation, Amelioration of the Laws of Imprisonment for debt, security to the citizens against the increasing power and influence of Banks, and the Education of the masses of the people, by competent systems of Free and other schools. During his membership in that body, was also that of Benjamin Hazard, a member from Newport, who had always been a leading man in the House. Mr. Hazard, while he possessed the most commanding talent and influence, was also the strong and determined opposer of everything like Reform in the political condition of the people. Upon the entrance of a new or young member into the House, his first work was completely to break him down, to overawe and silence him forever. He would plant himself fronting the Tyro, like some old gladiator before a youthful pugilist, scanning him with a piercing eye, which seemed to say that, though he scorned to measure strength, in equal combat, with one so weak, he would still teach him that he must learn to *follow*, as a friend, or cease to exist, as an enemy. During speech he would eye the young aspirant with a serpent-like expression, as if some evil charm were working in his fitful gaze; and of this every look and gesture — even the contraction of his fingers — was signally expressive. He seemed concentrating all his terrible energies into a single focus; and upon the slightest mistake, or inaccuracy of the speaker, he would level upon him the full intensity of his withering power. Upon the appearance of Mr. Dorr, he perceived that there was no ordinary strength hidden under that calm and placid exterior; but he did not, and could not, measure it accurately. Like Goliah of old,

he arrayed himself in all the weight of his hitherto invincible armor, and went forth to slay the stripling. But the pebbles in the sling of the young Champion of Right, had been plucked from the well of Truth. They entered the forehead of the giant. He reeled beneath their stunning influence, and, for the first time, and forever, his power was shaken. Thomas W. Dorr was the only young member of the House, who could ever debate, *unfloored*, in opposition to Benjamin Hazard.

In the subject of Imprisonment for Debt, Mr. Dorr was much interested. He made laborious examinations of prison records, of the numbers committed in a given time, for what insignificant amounts — and the still more insignificant payments, which had been enforced by the process — showing that the law was not only barbarous, in itself, but failed of securing the end of its institution. He spent much time in these researches; and his reports, and speeches to the Assembly, on the subject, are replete with valuable suggestions.

For the beautiful system of public education, of which the citizens of Providence are so justly proud, they are, mainly, indebted to Mr. Dorr, and only at the last session of the Legislature, and since the commitment of the latter, in a highly eloquent speech, on the presentment of a Bill for the Improvement of Public Schools in the State, the School System of Providence was extravagantly lauded, to the supreme delight of the patriotic Algerines, and held up as a pattern system; but no one dared to say — no one would have been allowed to say — how they came by it. Mr. Dorr was President of the School Committee of the City of Providence, for many years; which office he retained, to the great advantage of the city, until after his attempt to take possession of the public property, as Governor of the State.

The Lien Act, which was passed Feb. 1, 1834, was another very important measure, which Mr. Dorr warmly sustained; and, though he was not the draftsman of the Bill, he was one of its strongest advocates, and was, perhaps, the chief means of its passing. By this Act it was provided, that the Mechanic who built a house, or constructed other works, might have a lien on the works constructed, for the payment of his labor, and the expenditure of his materials, which should be entitled to payment in preference to any other lien, which originated subsequent to the commencement of the work, provided he should give the proper notice, that he claimed the benefit of the lien granted by this Act. Thus were the rights of the laborer secured against bankruptcy, unexpected or designed.

But the most important public measure of Mr. Dorr, because it was one which extended to all classes of society, was embraced in the Bank Act, which was passed June 25th, 1836. He drafted the Bill, and was chiefly instrumental in passing it, against a tremendous opposition. By this Act, the old law for making an

annual report of the state of Banks was repealed, and Commissioners were to be appointed, to whom returns of the actual condition of Banks should be made, on oath, *as often as they should think expedient;* and, on the failure of the President, or Cashier, to render such returns as might be required, for the space of 30 days, the charter of the Bank was to be forfeited. The Commissioners had also power, at such times as they should deem proper, "to examine, on oath, the President, Directors, and other officers, agents, or servants of any Bank," "to examine the books and papers of such Bank;" "to send for persons and papers;" "to compel the attendance of witnesses, and the production of books and papers, by writs of summons, or attachment, and to commit for a contempt of their process, or for a refusal to answer such interrogatories as might be put by them in the performance of their duties." Any person who should refuse to attend the summons, to give the required testimony, or to produce books and papers, incurred, besides the peril of commitment for contempt, the fine of five hundred dollars. It will be readily perceived, that such a measure would naturally draw down upon its supporter the opposition and anger of the capitalists — the monied aristocracy of the State, whom it obliged to surrender the power of concealing their usurious exaction and fraudulent practices. They were exasperated beyond measure, and their indignation and abuse knew no bounds. But Mr. Dorr, content with having done right, as he always has been, calmly bore up under the weight of censure, for he knew that the right would in time be made manifest. This in a few years proved itself true. When the Banks of other states were crashing by hundreds, those of Rhode Island remained good and firm. Then, when the hitherto odious Act was found capable of preserving, not only the interests of stockholders and borrowers, but the credit of Banks themselves, those who had been foremost in heaping odium on its author, exulted in his work, claiming all the credit of it, as a measure of their own party, upon the strength of Mr. Dorr having been, at the time of its passage, nominally a Whig. So high a conception of justice, so strong a love of truth, had the Lords-paramount of Rhode Island.

The Scituate Bank, having become very much deranged in its affairs, an Act in relation to it, and tending to promote the public security, was passed in the same day with that above noticed. By this Act Thomas W. Dorr was appointed one of the Commissioners in trust, who were empowered "to take into their possession, management, and control, all the property, books, papers, bank bills, evidences of debts, securities, and funds of every description, belonging to said Bank, or in which it is interested." This was a highly responsible office, yet he was permitted to retain it until the June Session, 1843, and long after he had been calumniated as the great Robber of Banks. Several sessions of

the Legislature had supervened, yet no steps were taken to remove him, or to deposite the property which he held, in safer hands. This fact alone shows how highly they estimated the integrity of the man, whom they dared so deeply to trust, even while they abused him, and presents, in a strong light, the falsehood and wilful malignity of those who slandered him. When he at last surrendered his trust, all the books and papers were in the most beautiful and perfect order, and everything was fair and right. The enemy who can be so deeply trusted, and under such circumstances, must be known to be honest, and high-souled, far above the range of ordinary men; and that he proved himself worthy of the trust, can add nothing to the favorable evidence, to those who rightly estimated his character, for *they* can see that it could not be otherwise.

As another instance of the consistency and honorable character of his mind while he remained a member of the Legislature, his course on the election of our U. S. Senator, in 183–, when the Hon. Tristam Burges was a candidate, might be referred to with great effect.

But the people of Rhode Island well remember all the circumstances of that excited election. The friends of Mr. Burges were *then* under the greatest obligations to his exertions, without any peculiar claim upon him for those exertions, while among his enemies the *wire-pullers*, the cotton merchant, mongers and intriguers, formed a clique, whose object was politically to destroy both Mr. Burges and Mr. Dorr. Much to their own disgrace, they succeeded in regard to the former, and are now in full pursuit after the destruction of the latter. But "*there*," to use the words of Gov. Dorr in his last noble speech to the Court, "they are doomed to disappointment."

The connection of Mr. Dorr with the Suffrage Party and its movements; his exile and voluntary return, to vindicate and suffer for the great principles which he had espoused, have been noticed in a previous chapter of this volume, too briefly, I know; but the future biographer will do them justice. I am not permitted to dwell on them here. A book of bitter sorrow, but of glorious triumph, will be the LIFE OF THOMAS W. DORR; and blessed is the day when it will not only be written, but responded to by the universal heart of man; for then will bleeding and prostrate Humanity be lifted from the dust, and the Rights of Man be forever and effectually vindicated.

It has been said, and it is often repeated, that Mr. Dorr embraced the interests of the Suffrage Party, simply from motives of ambition. That he could not wait to be famous by the ordinary course of events; and so he left the high road, to gain the point by a shorter route. How idle, how entirely void of foundation, is such an assertion! How happened it that those who pretend to believe so, did not take the same path if it promised

to be the nearest and earliest road to distinction? Were they too honest, too patriotic, to do so? It would not appear from their character and conduct, that there were any *moral* obstacles in the way. They knew that in such a course, there was everything to lose, and nothing to gain, if it were not THE GOAL OF OTHERS; and that to them was a contraband article, in which, by the rule of their order, they never dealt.

On the 24th of June, 1844, the Supreme Court, at their adjourned term at Newport, unanimously overruled Mr. Dorr's motion in arrest of judgment, as they had on the 14th day of the same month overruled his bill of exceptions to the verdict and motion for a new trial; and on Tuesday Morning, the 25th, Mr. Dorr was brought into Court, and received his SENTENCE — SOLITARY CONFINEMENT and HARD LABOR, in the STATE PRISON, FOR LIFE!! Would that some kind angel might blot the shameful fact from our page of History; that in Rhode Island, in the United States of Republican America, amid all the free thought, free inquiry, and free action, of the 19th century, a virtuous and noble-minded citizen is tried by a PACKED JURY, and sentenced to the slow murder of imprisonment for life, in a vile and loathsome cell, for teaching, and attempting to carry out in practice, the great doctrines of Man's inherent rights and natural equality, which are embodied in the DECLARATION OF INDEPENDENCE. This is not to be wondered at, when we consider that all the Judges composing the Court have repudiated that Instrument — four of them directly, and the Chief Justice himself, no less truly, both by language and action!! What could be expected of *such a Court*, better than Packed Juries, and all the solemn mockery of justice, which have been exhibited in the trial of Mr. Dorr? That was a bitter day to Rhode Island! a mournful day — a shameful day! and but for the halo of nobleness, which, like a visible element, shone around the victim, it would have been filled with the blackness of despair, to every free and feeling heart! With a greatness of soul which nothing present could match, and, therefore, nothing could subdue, when asked by the Clerk if he had anything to say why sentence should not be pronounced against him, he stood up before his accusers, and thus he answered for himself.

REPLY OF MR. DORR TO THE COURT, WHEN ASKED WHY SENTENCE SHOULD NOT BE PRONOUNCED UPON HIM.

The Court have, through their officer, addressed to the Defendant the usual questions, whether he have anything to say why sentence should not now be pronounced upon him. I have something to say, which shall be brief and intelligible to the Court, though it must be necessarily unavailing. Without seeking to bring myself in controversy with the Court, I am desirous to declare to you the plain truth.

I am bound, in duty to myself, to express to you my deep and solemn conviction that I have not received, at your hands, the fair trial by an impartial jury, to which by law and justice I was entitled.

The trial has been permitted to take place in a county where, to say the least, it was doubtful whether the Defendant could be tried according to the law of the State; and in a case of doubt like this, he ought to have had the benefit of it, especially as the trial here must be in a county to which the Defendant was a stranger, in the midst of his most excited political opponents.

All but one of those freeholders, 108 in number, who were summoned here for the purpose of selecting a jury to try the Defendant, were of the opposite party in the State, and were deliberately set against the Defendant with the feelings of partizan hostility. The single democratic juror was set aside for having expressed an opinion. Of the drawn jurors, 16 in number, two only were members of the democratic party; and one of them for cause, and the other for alleged cause, was removed.

Every one of the jury finally selected to try the defendant was, of course, a political opponent.

And even as so constituted, the jury were not permitted to have the whole case presented to their consideration. They were not, as in capital, if not in all criminal cases, they are entitled to be, permitted to judge of the law and of the fact. The Defendant and his Counsel were not permitted to argue to the jury any matter of law.

The Court refused to hear the law argued to themselves, except on the question whether treason be an offence against a State or against the United States.

The Court refused to permit the Defendant to justify himself by proving the Constitution, the election and the authority under which he acted; or to permit him to produce the same proofs, in order to repel the charges of malicious and traitorous motives made in the indictment, and zealously urged against him by the counsel for the State.

By the charge of the Judge, the jury were instructed that the only question which they had to try was, whether the defendant intended to do the acts which he performed: a question of capacity rather than of motives and intentions.

It is true that the jury were absent more than two hours; but not for deliberation. One of them was asked, immediately after the verdict was delivered, and the jury was discharged, whether they had been detained by any disagreement. He replied, "we had nothing to do. The Court had made every thing plain for us."

On hearing a bill of exceptions to the verdict thus rendered, the Court promptly overruled all the points of law.

The Court also denied to the Defendant an opportunity of showing to them, that three of the jurors, before they were empanelled, manifested strong feelings, and had made use of vindictive and hostile expressions against him personally; after the Defendant had established by his affidavit the fact that he was not informed of

this hostility of feeling and expression before they were empanelled, and with regard to two of them, before the verdict was rendered. The Defendant expected to prove, by twelve witnesses, that one of these jurors had expressed a wish to have the Defendant put to death, and had declared, shortly after the verdict, to a person inquiring the result, that "he had convicted the Defendant, and that this was what he intended to do;" — that another juror had also declared, that the Defendant ought to be executed; and that the third had frequently made the same declaration, with a wish that he might be permitted to do the work of an executioner, or to shoot him as he would a serpent, and put him to death.

Nor would the Court permit the Defendant to show by proofs, which he declared on oath to have been unknown to him at the time of the empanelling of the jury, that an array of twelve men, summoned on venire by a deputy sheriff, were, or a considerable part of them, at least, the same persons who had been selected by an Attorney of this Court, who assisted the officer in the service of the summons.

These, and other matters which I will not stop to enumerate, show that this trial, which has been carried through the forms of law, was destitute of the reality of justice, and was but a ceremony preceding conviction. That there is any precedent for it, in the most acrimonious period of the most excited party times in this country, I am not aware from any examination or recollection of its political history.

In a trial of an alleged political offence, involving the feelings of the whole community, and growing out of a condition of affairs which placed the whole people of the State on one side or the other of an exasperated controversy, the strictest and most sacred impartiality should have been observed in the most careful investigation both of law and fact by the jury, and in all the decisions and directions of the Court. In what case should they have been more distrustful of the political bias of their own minds, more careful in all their deliberations, more earnest in the invocation of a strength above their own, that they might not only appear to be just, but do justice in a manner so above all suspicion, that the Defendant and all those with whom he is associated, might be satisfied that he had had his day in court, and that every requisition of the law had been observed and fulfilled. In how different a spirit were the proceedings of this trial conducted! And with what emotions must the Defendant have listened to the declaration of one of your honors, that "in the hurry of this trial" they could not attend to the questions of law, which he so earnestly pressed upon their immediate consideration, as vitally important to the righteous determination of his case!

The result of this trial, which your sentence is about to proclaim, is the perpetual imprisonment of the Defendant, and his seclusion from the face of society, and from all communication with his fellow-men.

Is it too much to say, that the object of his political opponents is the gratification of an insatiable spirit of revenge, rather than the attainment of legal justice? They are also bent upon his political

destruction, which results from the sentence of the Court, in the deprivation of his political and civil rights. They aim also at a social annihilation, by his commitment to that tomb of the living, from which, in ordinary cases, those who emerge are looked upon as marked and doomed men, to be excluded from the reputable walks of life. But there my opponents and persecutors are destined to disappointment. The court may, through the consequences of their sentence, abridge the term of his existence here; they can annihilate his political rights; but more than this they cannot accomplish. The honest judgment of his friends and fellow citizens resting upon the truth of his cause, and faithful to the dictates of humanity and justice, will not so much regard the place to which he is consigned, as the causes which have led to his incarceration within its walls.

Better men have been worse treated than I have been, though not often in a better cause. In the service of that cause I have no right to complain that I am called upon to suffer hardships, whatever may be the estimate of the injustice which inflicts them.

All these proceedings will be reconsidered by that ultimate tribunal of Public Opinion, whose righteous decision will reverse all the wrongs which may be now committed, and place that estimate upon my actions to which they may be fairly entitled.

The process of this Court does not reach the man within. The Court cannot shake the convictions of the mind, nor the fixed purpose which is sustained by integrity of heart.

Claiming no exemption from the infirmities which beset us all, and which may attend us in the prosecution of the most important enterprises, and at the same time conscious of the rectitude of my intentions, and of having acted from good motives, in an attempt to promote the equality and to establish the just freedom and interests of my fellow-citizens, I can regard with equanimity this last infliction of the Court; nor would I, even at this extremity of the law, in view of the opinions which you entertain, and of the sentiments by which you are animated, exchange the place of a prisoner at the bar for a seat by your side upon the bench.

The sentence which you will pronounce, to the extent of the power and influence which this court can exert, is a condemnation of the doctrines of '76, and a reversal of the great principles, which sustain and give vitality to our democratic Republic; and which are regarded by the great body of our fellow-citizens, as a portion of the birthright of a free People.

From this sentence of the Court, I appeal to the People of our State and of our country. They shall decide between us. I commit myself without distrust, to their final award. I have nothing more to say.

Chief Justice Durfee, after a few remarks, in which he observed that the matters stated by the prisoner had all been considered by the court; that the court had been swayed by no political motives, and had been governed in their proceedings by the law of the land; and that, in consequence of the terms of acquaintance which had existed between himself and the prisoner, he now discharged with regret this last duty which the law imposed upon him — then

said — Listen, THOMAS WILSON DORR, to the sentence of the Court, which is "THAT THE SAID THOMAS W. DORR BE IMPRISONED IN THE STATE'S PRISON, AT PROVIDENCE, IN THE COUNTY OF PROVIDENCE, FOR THE TERM OF HIS NATURAL LIFE, AND THERE KEPT AT HARD LABOR, IN SEPARATE CONFINEMENT."

We read the above, and are refreshed. Our hearts are lifted up in thanksgiving. We are confident that our noble friend is safe — that there is that in him which no Tyrant can harm, and no malice can reach — a great and true Soul. Such have, from time to time, borne testimony to the truth, through persecution, imprisonment, and martyrdom; and in all, and through all, they have been triumphant. Such a one cannot be sullied by aught that even Rhode Island Tyrants can inflict. They may, indeed, imprison the body, and cut off every physical enjoyment; but their power goes no farther. THEY CANNOT DEGRADE THEIR VICTIM! In spite of their prison walls, and foul water, and putrid air, and loathsome vermin, he stands, at this moment, immeasurably above them — and, it cannot be doubted, *happier* though they are revelling in their lordly mansions; for he knows that HIS enemies are the enemies of Freedom; HIS enemies are the enemies of Truth; HIS enemies are the enemies of Right; and the giant heart of Humanity, itself, responds to his claims.

On the 27th day of June, Gov. Dorr was removed from Newport Jail, to the State Prison in Providence. A multitude of his anxious and afflicted friends began gathering on the wharf, long before the arrival of the steamboat, to greet once more, though but in silence and in sorrow, their revered Champion. But they soon learned that he had been conveyed privately from Newport, and was already in prison. There the last and bitterest trial awaited him. He met, and took leave of his parents, perhaps (I will not say probably,) forever.

On that evening the most intense excitement, not unmingled with indignation and remorse, prevailed among the Suffrage people, and was manifested by a mass meeting, which gathered spontaneously on Weybosset Bridge. To use the words of a correspondent, "Many shed tears, and the predominant feeling among the best and most zealous was, 'Oh, GOD ALMIGHTY! HOW LITTLE WE HAVE DONE TO PREVENT THIS!'" Many of the Algerine Lords, with their obedient vassals, assembled, at the same time, in the neighborhood of the Prison, to witness a brilliant exhibition of Fireworks, which were exultingly given off from the brow of the adjacent hill. They have since been ashamed of this, and *say* that the display was purely an experiment, made in order to ascertain the best site for a grand exhibition on the Fourth of July. But when it was told them that the occupation of that locality might be offensive and painful to the friends of Mr. Dorr, they refused to change the place, which de-

licacy, at least, and a proper respect to afflicted parents, who had done nothing to provoke them, should have prompted them to comply with so reasonable a request. But what have THEY to do with fireworks, and rejoicings, and celebrating the Fourth of July, monsters with hearts so black, circumstances only are to be thanked that they have not bloody hands? It is time that the damnable hypocricy of celebrating Independence is seen through, when every sentiment that consecrates the day is openly and shamelessly violated — when the distinguishing principles of the DECLARATION which makes it memorable, are boldly and positively denied!

The next day a company of suffrage men, having possession of one of our national flags, raised it half-mast. union down, decorated with badges of mourning, with *the Rhode Island Star blotted out.* There is, at once, a touch of high poetry, and a keen satire, in that simple act, which, like a "red hot rapier," should have cut, and burned, through the callous heart of every Algerine, if there was indeed, a heart among them!

The spot of ground where the cannon were guarded by a handful of suffrage men, had been purchased by a wealthy gentleman of the name of Kenyon, who appropriated it to the use of the people; and, on the Fourth of July, a mighty gathering assembled there. Some strong resolutions were passed, sanctioned by the outbursting thunder from thousands of indignant and injured hearts. LET THEM BE KEPT. The Suffrage procession on that day was immense. It seemed absolutely without end; while that of the Algerines, all told, amounted to just FORTY-SEVEN — a fine against the military, of three dollars per man, for non-attendance, to the contrary notwithstanding. In the suffrage procession there were NINE Revolutionary Patriots; in that of the Algerines *only one.* Does not this fact clearly shew on which side the principles and the spirit of '76 incline? The algerine party had just put forth a high-handed and atrocious measure; and why did not all the dignity, all the authority, all the strength of the State, array themselves in order to sustain it? Why did not the Algerine clergy come forward to grace that procession, as they have always been wont to do, on similar occasions? Had their keen perceptions already caught the taint of declining popularity? Was there not in these facts a practical and strong reaffirmation of the People's majority? And did the Algerines perceive no *meaning* in that mighty array of sad but earnest faces? Could even Dr. Wayland see some, in the agitated muscle, in the quivering nerve, in the tears that wet the cheeks of strong men, in the deep-settled DETERMINATION that legibly shone through all, as if the arm of the ALMIGHTY had been suddenly revealed, and, even in the depth of sorrow, they felt that they should be strengthened?

The best of the Algerines are, indeed, beginning to be ashamed

of the conduct of their party; and well they may be, while many who are *not* the best, doubtless, see that much has been done unwisely; and that, considered merely as a stroke of policy, the SENTENCE of Gov. Dorr was a measure not to be sustained; and when the great Heart of the Country is swelling with indignation, well may they believe so! But it is to be regretted that many should regard it merely as a party movement. There should be no partizanship in such a case. Gov. Dorr should be considered — he must, and *will* be considered — as belonging to no party, but to his country, and to mankind; so that injury to him, is injury to all; nay, it is an outrage against Freedom itself. When the great principles of American liberty, of Republicanism, are violated, every American, every Republican, should unite in defending them against the common enemy, without regard to NAMES. We can never become a truly great, a Republican people, until this in done. The Declaration of Independence belongs to no party. It is the property of men, in general — of Americans, in particular; and a vindication of its principles should be the business of *every* FREE *man* — and will, if he *be* free. Those who are bound by the trammels of Party to impeach what they know is right — to sustain what they know is wrong, — are *not so*.

But a word now in regard to the *legality* of the proceedings against Gov. Dorr. It is believed and set forth by the soundest expositors of the law, that Treason cannot be committed against a single State; because it is an offence against the sovereignty of a country; and that, by virtue of our confederation, is vested in the People of the United States. A person cannot be indicted for treason against the Lord Lieutenant of Ireland, against the Governor of Jamaica, or against any magistrate who presides over any one of the dependencies of Britain; but only against the Throne itself, where the sovereignty is supposed to reside. But here is a case in Rhode Island, of a man who is indicted for Treason against the State. He is tried by the State, condemned by the State, and now, upon an acknowledgment of his guilt, he is offered pardon by the State; yet if he has committed Treason, at all, should he be liberated on such confession, he is, by virtue of his citizenship of the United States, liable to be again indicted, tried, and condemned to death, for Treason against the United States, to the express violation of the important clause, Art. 5, of the Amendments to the Constitution of the same, which provides that no person is, "for the same offence, to be twice put in jeopardy of life or limb." This might certainly be done; since Treason against Rhode Island would be, at the same time, Treason against the United States. I am aware that the Tory Jurists of the present day, in order to sustain a party measure, are trying to throw this opinion into discredit, contrary to the authority of

Law, the plain demands of Right, and the dictates of Common Sense.

But granting that Treason *may* be committed against a single State — admitting that the Algerine Act is constitutional — which it clearly is not — admitting, if you please, that Gov. Dorr is guilty of the crime with which he stands charged, that he deserves the utmost vengeance of the law — yet is he to be "transported beyond seas," for trial, when the Constitution of the United States declares, that the accused shall be tried "in the district where the crime shall have been committed?" Shall he be tantalized with unnecessary delay, when the same Constitution provides that he shall have "a speedy trial?" Shall he be condemned by the decision of a *packed jury*, all of whom must have had pre-conceived opinions of the case, and several of whom had openly expressed sentiments and feelings hostile to his character, and even to his life — when every man is excluded from the PACK, (well does it deserve the epithet!) who is known to have political opinions coinciding with his own? and all this, in disregard of a plain provision of the Constitution, that the accused shall be tried by "an IMPARTIAL Jury?" Shall he be refused a hearing, when he offers to disprove the charge of Treasonable INTENT; to prove the adoption of the People's Constitution and his election as Governor under the same; or, in short, when he attempts any mode of justification, by showing under what authority he acted, when committing the deeds which have been construed into crime? And shall convicted criminals be heard against him? These questions are addressed, not merely to Rhode Islanders, but to Americans. Let them be attended to, for *they must be heard*, and THEY MUST BE ANSWERED! Gov. Dorr must come out of that prison, if it be only to receive a fair trial. You will not see the strongest principles of American Law — of British Law — of Common Law — thus openly violated, and their violation thus openly defended, in submission, and in silence? Then are we one great body of Despots and Slaves!! Then is there no Right, no Liberty, among us! Then is the Declaration of Independence a repudiated Instrument, and the Constitution of the United States a dead letter!! If you cannot be swayed by a love of justice, let the selfish principle act upon you. Remember that the rights and liberties of a single man, though he be "the noblest Roman of them all," are not alone involved — but your own rights and liberties — the rights and liberties of your children — the rights and liberties of Mankind!

And again. If Treason can be committed against the State, it clearly must be against the *People* of the *State*, for in them is vested the sovereignty. Now it is an established fact, which is capable of demonstration at any hour, that a very large majority of the whole people — *a majority even of the Freemen*, went with the Suffrage Party, and sanctioned all its proceedings, until an

unnatural and illegal force was brought to bear upon them. The Algerines well know this. They know that thousands now acting in their own ranks, voted for the People's Constitution, sanctioning it as the Law of the Land. They know that thousands more who are kept inactive by their odious tyranny, if they could express an opinion without danger, would again subscribe that Instrument and all that it provides. But if the Treason was committed against the Charter, as was set forth in the indictment of Mr. Dorr, have not the Chartists, themselves, repudiated and set aside that royal Document? The General Assembly, without any instructions or authority from the People, called the Convention that framed the present Constitution, which was adopted by a small minority, even of those who were entitled to vote under it. That Constitution never could have been sustained, had not the Suffrage Party, with the hope of peaceably securing their rights, adopted the policy of registering their names under it. This measure is now to be deeply regretted; but none could anticipate, and none were responsible for, the abominable proscription that was to follow — by which manhood became a commodity — and the People of Rhode Island were *labelled*, and driven to the polls, as a drove of dumb cattle are driven to the market, or the slaughter house. Have not the Algerines, themselves, been guilty of Treason; and that not merely against a void and exploded authority, but against the sovereign People of Rhode Island; and, through the confederation, against the sovereign People of the United States! That such will be the verdict it cannot be doubted, by any person who understands the nature of Treason, the structure of our Government, or the first principles of constitutional law.

But while these decisions are making, for they *are* (tremble Algerines!) now making! we will glance at the present position of Gov. Dorr. He has been committed to prison in confirmation of the sentence pronounced against him, of solitary imprisonment, and hard labor for life. You have been told this; but do you know what that solitary imprisonment is? Do you know that it is almost certain to produce insanity? Do you know that, on account of its barbarity, it has been abolished almost every where, and is getting into disrepute even under the most despotic governments? Have you thought of that horrible — that everlasting silence, where a dull and deadly shadow creeps over the mind of the victim, until, in the fearful darkness of insanity, Reason reels and totters from her throne!! Human barbarity can inflict nothing more intolerable! Human imagination can conceive of nothing more dreadful!

How different is this from the situation of O'Connell. For nearly the same offence he has been sentenced, not to the State Prison for Life, but to confinement for twelve months. Then, instead of being thrust into a loathsome cell, in the very place

of all others where he would not be, he was permitted to *choose* his residence; and he *preferred* Richmond Bridewell to the Castle, *on account of its retirement*, and the SALUBRITY *of the air*. A garden, which is described as "blooming with all that is delightful in fruit and flowers, encloses three sides, with a summer-house on the hillock, to which he has free access." Every day his friends visit him by hundreds, while uncounted thousands throng and fairly block up the highway, for miles, all being permitted to express the most affectionate interest in his welfare; and many wearing on these visits, the repeal buttons, the sign of political fellowship with the prisoner. But here, in Rhode Island, a single cheer for Gov. Dorr, which indignantly burst out from one true and bold heart, in defiance of the power that had just consummated its hellish work, was punished by confinement in the watch house!* OUR prisoner is permitted to hold no communication with any person. His friends have frequently asked leave to send him fruit, or books and papers; but these requests are uniformly refused. Should he be sick, his afflicted parents would not be permitted to contribute to his comfort, nor to visit his couch. Even in the agonies of death they would still be denied the last mournful privilege of love — to grasp his cold hand for the last time — to wipe the clammy sweat from his brow — to receive his parting words, and to close his eyes in death! He is treated as the worst criminal should not be treated, though he is guilty of no crime, but that of laboring to secure the rights of others. The imprisonment of O'Connell, for whom we are expressing so much sympathy throughout the country, is *tender mercy, in comparison!* Are the English so much better than we are, as all this would seem to indicate? If not better, they are, at least, more cunning — they are *wiser*.

An unexpected light has been thrown upon this subject, by a few translations from a volume lately published in Germany, and which fell into the hands of a gentleman who got a momentary glimpse of it. I understand that another copy of the same work has been sent to one of our Prison Inspectors, who also holds a high office in the State, which, with the one alluded to, is, doubtless, kept carefully out of sight, because it contains revelations of monstrous barbarity practised in the Rhode Island Prison, which, if known at this time, would arouse the whole country, in opposition to the power which has dared to establish a Bastile in our midst, and there to incarcerate for life one of our noblest citizens. But do our little law-givers think to put out the eyes of the world — to extinguish the light of the world? The book ex

* In the evening after the commitment of Gov. Dorr, Samuel Whipple, being then on Market Square, proposed "three cheers for the Rhode Island Liberator." He was immediately arrested by the Mayor, who exhibited the most contemptible cowardice on the occasion, and *conveyed to the watch house*. Let his name be remembered as that of one, who, alone and unsustained, dared SPEAK OUT against the hosts of evil.

ists, and it will be published, and their infernal deeds will be brought to light.

The circumstances connected with the book are briefly these. About six years since, Dr. Julian, a physician of Germany, and a distinguished philanthropist, who had visited the different prisons of Europe and America, for the purpose of informing himself in regard to their discipline, came also to Rhode Island, when our State Prison was in the course of erection. He has since written to the Inspectors, for principles and facts connected with the prison discipline. These were sent, accompanied by copious extracts from the Prison Records: and of the book which Dr. Julian has since produced, about twenty pages are devoted to the Rhode Island Prison. I am permitted to give the following translation from the work.

Among all the cases enumerated, of injudicious management, in which the system of total seclusion has been capriciously substituted for that of solitary labor,* thereby furnishing the opponents of the latter with plausible arguments against it, *none are of so exaggerated a nature, as that now brought to light of the Penitentiary of Rhode Island.* The foregoing letter from Professor Liebeo, as well as the copies of documents received from thence, amply represent the state of the case. To these I will, therefore, merely add a few explanatory and illustrative remarks, which will, I trust, suffice to place every reader on the proper standing point to judge of the *unwarrantable levity*, with which affairs have been conducted there; and to convince him of the immeasurable superiority of the system, as practiced in Great Britain, (which from its high perfection we recommend, not only in Germany, but elsewhere,) to the plan pursued in Rhode Island, *which could not have been attended with consequence less mournful, than those which have actually accompanied it.*"

He animadverts in severe terms upon one case, in which the prisoner, being ill, and finding the air painfully oppressive, in consequence of inadequate ventillation, applied for permission to breathe the fresh air. "What a culpable ignorance and disregard of the first principles of health, and humanity," says Dr. Julian, "must there have found place, where, on the one hand, the Physician, instead of obtaining for the invalid prisoner a daily walk out of doors, with the full enjoyment of the pure fresh air of heaven, considers a walk in the central hall of the building amply sufficient for his restoration; while, on the other hand, even this slight indulgence is, after a few days, peremptorily countermanded by one of the Inspectors! The consequence was that, after a short time, a nervous fever, or more properly, a JAIL FEVER, made

* Dr. Julian strongly advocates solitary labor; because bad men laboring in community, exert a highly demoralizing influence upon each other; but he as strongly urges the necessity of their being permitted to see their friends, and to hold some communication with their more fortunate fellow beings.

its appearance in the patient, by which he was completely prostrated for several months."

The following facts are gathered up without any attempt at direct translation. It had been proved, by repeated cases of insanity, necessary to give the prisoners the benefit of working in company. Subsequently to this, it was deemed necessary to obtain permission to make use of dashing cold water on the head, chains, the lash, and other severe punishments, as incitements to labor; STARVATION having been found insufficient, though continued, in some cases, for five successive days. *This was granted, though a request at the same time preferred for regular moral and religious instruction, remained unnoticed.* The whole structure, regulation, and discipline of the prison, he describes as "*outraging not only the first principles of humanity, but common sense,*" IN A DEGREE HE HAD NEVER KNOWN IN ANY OTHER INSTITUTION, and the consequences, as appears by his extracts from the prison records, have not been less fatal than might be apprehended. Dr. Julian further says that the JAIL FEVER, to which allusion has been made, when it once gets into a prison, is *never eradicated;* because the deadly miasma which first generate, always must continne to operate in its detention. In addition, I would observe that it has been lately stated by Dr. Cleveland, the warden of our prison, that ONE IN EVERY FOUR OF THE PRISONERS BECOMES INSANE. These disclosures are more horrible than any which have been made before, even of Rhode Island Algerines.

Soon after his incarceration in that living tomb, it was reported that the illustrious prisoner was ill — so ill as to have been in extreme danger — when the Algerines, in their clemency, permitted him to have a more comfortable bed. This was done by order of the physician, who declared that he would certainly die if he had not some better place of rest, than a heap or sack of straw, merely thrown upon the stone flour. He was also permitted, when able, to walk in the corridor. His exertions previous to commitment had been very great indeed. In addition to the dreadful anxiety which must have oppressed him, he was obliged by the illness of his chief advocate, to conduct his case, and previous to his commitment he reported his trial, which was a work of great labor. His strength gave away under the weight of his cares and exertions; and we cannot but fear that better restoratives will be required, than a Penitentiary affords, if he is ever well. It had been supposed by some of his friends, that he would never consent to work, because compulsory labor would be a degradation. They mistook him grossly. He is too noble, too manly, for such a course. His first request, on entering the prison, was for WORK. He said that *he would not be dependent on he State for his living;* and, when very ill, his continual enquiry of the physician was, "When shall I be able to work? for *the idea of living dependent on the State of Rhode Island, a single day, is galling.*"

There is one very important point which should not be forgotten. It has been frequently asserted by the enemies of Mr. Dorr, that he might come out of prison at any hour, either by confessing his fault, or by availing himself of the Act of Amnesty. These impressions have been spread abroad, and confirmed, by sinister remarks, and all indirect manœuvres of the Journal. They have been injurious, as they are FALSE. Mr. Dorr and Mr. Luther *were expressly interdicted* in the Act of Amnesty, passed at the last session of the General Assembly. Such an Act could only be authenticated by the Legislature, and there has been no session of that body since the commitment of Mr. Dorr. No *direct* offer of release, *on any terms*, has been officially extended to him; and there is little reason to believe, that, should he humble himself, and falsify his character, by a hypocritical confession, he would *then* be set at liberty. Every assertion — every insinuation to the contrary, is FALSE. Let it be *remembered.*

Though we cannot fear for the result, so far as the *honor* of the victim is concerned, we must tremble for his health, and even for his reason. It is the foul injustice which has subjected him to these evils, that stings so deeply. May it ever sting, deeply, and more deeply, until the shame that rests upon our State is palliated by the release of the patriot-prisoner. To render him justice is now impossible, for that has been done which can never be cancelled. But some atonement is still in our power; and if there is one spark of freedom still living in our breasts, one single idea of right, let it be speedily made. *While there is life, let us act.* Let not the damning sin of his murder rest upon us! When he beheld us struggling in the bitterness of hopeless bondage, he came forward, with his life in one hand, and his liberty in the other, ready to surrender each, or both, for our redemption. Let the thought be kept forever in our breasts, like a living coal of fire, that our NOBLE VINDICATOR *is in a loathsome prison*, and MAY DIE THERE!

But he may be taken thence, not merely a dead body — for then we should know the pure soul, which WE never rightly appreciated, had gone where it could be understood, and be made happy in its own truth — but with the light of reason put out, a senseless, raving maniac!!! Rhode Islanders, Americans! have you thought of this? Are you prepared for this? Will you *permit* this? I appeal to you, in the name of a heart-bleeding father! — in the name of a heart-broken mother! — in the name of a crushed and suffering people! — in the name of him who surrendered his liberty that others might be free! — in the name of Justice! — in the name of God! — pause not, faint not, rest not, until right is established. Undo the work of darkness. Break the bonds of Tyranny. Open the prison doors. You may do this without other than the force of truth, without other than the force of Right, without other than the force of LAW! — If we cannot do this, we are SLAVES.

LIST OF ERRORS.

Page 207, 14th line from top, for "the common justice," read common justice.

Page 212, 18th line from top, for "is make known," read is made known.

Page 227, 18th line from top, for "more injurious that this," read more injurious than this.

Page 253, 11th line from bottom, for "impretions," read imprecations.

On same page, (253) in the extract from a letter of a person who was present at the affair on Federal Hill, it is related that "Gov. King made his escape down the back stairs," &c. Since the publication of the first edition, we have learnt from persons who stood at the front door of Mr. Anthony's house, at that time, that Gov. King, when he left the house, passed out at the front door, preceded by one or more influential men of the Suffrage Party.

It is stated at page 259 of this work, that "There was much, and is much dissatisfaction still, in connection with the part these gentlemen (Messrs. Harris, Aldrich, and Ashley,) took on that occasion. As it appears, there must have been a misunderstanding among the several parties. It ought to be added, that this "dissatisfaction" arose from the statement there made, by some, or all of these gentlemen, that the "compromise" referred to, had been fully entered into by both the contending parties, and would be carried out. The fact was, that such information had been actually communicated to some, or all of the gentlemen who spoke from the window, from a source which, it was thought at the time, was entitled to full credit, but which turned out to be nothing more than a *consent* to the terms of compromise, by certain persons of each party. Hence the dissatisfaction, which, so far as the circumstances have been known, it is believed, has been entirely removed.

These slight corrections may seem trivial, but will subserve one purpose, if no other, that is, to show our desire of sitting down or suffering aught in this work, knowingly to be incorrect.

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